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ANNEXATION AND AMALGAMATION IN THE TERRITORIAL EXPANSION OF EDMONTON AND CALGARY

by

© HENDRIKUS LOURENS DIEMER

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH
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FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research, for acceptance, a thesis entitled "Annexation and Amalgamation in the Territorial Expansion of Edmonton and Calgary" submitted by Hendrikus Lourens Diemer in partial fulfilment of the requirements for the degree of Master of Arts.

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Date. November 15, 1974

ABSTRACT

This study deals with the determinants, rethods and results of urban municipal boundary adjustment through annexation and amalgamation. This is accomplished through a general discussion of metropolitan fragmentation and related problems, a survey of annexation and amalgamation in the United States, Canada, and Alberta, and two detailed case studies of the cities of Edmonton and Calgary, Alberta.

The annexation and amalgamation history of the two cities is reviewed through a twenty-five year period (1947-1973), with special emphasis given to the instruments of boundary adjustments, i.e. the provincial bodies that make decisions on annexation and amalgamation and which indirectly caused a variation in the physical administrative growth of the two centers.

To analyze the effect of the provincial bodies on the morphology of the metropolitan administrative areas the concept of externalities as discussed by K.R. Cox in _Conflict, Power and Politics in the City_, is employed. It is used to describe the development of metropolitan fragmentation and is expanded to show how metropolitan fragmentation may be arrested and resolved or how it may become a static problem which cannot be resolved by the by the machinery of annexation and amalgamation.

At the outset of the study period the two metropolitan areas were similar in their territorial structure, but they evolved along different paths, particularly during the 1960s. This did not reflect any inconsistency in the application of the policies of the provincial boards, but was due to differences in the distribution of positive and negative externalities which, in turn, were born out of social, economic, political and physical differences between Edmonton and Calgary.

ACKNOWLEDGEMENTS

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INTRODUCTION

> An increasing proportion of our population dwells in metropolitan areas which are not growing as single cities but as agglomerations made up of a heirarchy of different political units.[1]

One of the most contentious issues facing metropolitan areas today is described in the above quotation by D.S. Rugg. The main characteristic of this metropolitan problem is the separation of functional and jurisdictional spaces and this may be aptly identified as metropolitan fragmentation.

Fragmentation is the source of a plethora of problems since there is generally little coordination among various urban and rural jurisdictions that comprise the typical metropolis. This absence results in problems such as the duplication of municipal services, facilities and function, disjointed planning, obstructed physical growth of the central city and the separation of costs and benefits in urban servicing and the supply of facilities. Ultimately these problems may be described as creating economic and social disparities between the various fragments comprising the metropolis and thereby creating conflict and rivalries among the fragments. As stated by K.R. Cox:

---

[1] Rugg, D.S., Spatial Foundations of Urbanism. M.C. Brown Co. Publishers, Dubuque, Iowa, 1972, pp. 197-198.

> Conflict has become endemic in the metropolitan areas: conflict between the 'turfs' of social groups, between suburbs and the central city, and between neighbourhoods and the city itself.[2]

In reacting to fragmentation, urban areas have attempted to expand their territorial control or to coordinate the fragments by various solutions including voluntary cooperation among the metropolitan fragments, the creation of special governments and the implementation of new jurisdictional territorial forms such as the federal type of urban government or the unicity where a single governing body has jurisdiction over the whole metropolitan area.

The two metropolitan areas in Alberta, Edmonton and Calgary, have historically been fragmented, since various urban municipalities and urban and rural developments have located on the periphery of the central cities. This has led, in these areas, to many of the typical problems associated with the fragmented metropolis, which the cities have attempted to resolve.

Both cities have endeavoured to achieve a unitary form of territorial control through the mechanisms of annexation and amalgamation. However, only the City of Calgary was successful in its attempts, while Edmonton, despite some success, still remains substantially fragmented.

---

[2] Cox, K.R., Conflict, Power and Politics in the City. McGraw-Hill Book Co., New York, 1973, p. 1.

The question arises as to why this has occurred since both cities were similar in size, in degree of fragmentation and in their approach to overcoming the problems of fragmentation. The question is given special pertinence since the same provincial bodies, which made decisions on annexation and amalgamation, dealt with the two cities. The aim of this thesis is therefore to determine the reasons for the difference in the territorial metropolitan forms of Edmonton and Calgary.

Since fragmentation is largely reflected in the lack of coordination and control among the various metropolitan components and this causes benefits to some of the components and costs to others, the concept of positive (benefits) and negative (costs) externalities in metropolitan fragmentation as described by Cox will be employed as the conceptual base of research. Cox's approach describes and explains how the lack of coordination and control among jurisdictions is caused and how it relates to metropolitan fragmentation. This will be utilized to describe the evolution of the territorial development of the Cities of Edmonton and Calgary. Furthermore the concept will be expanded to explain why Edmonton and Calgary differ in territorial form.

This problem requires the identification and analysis of the annexation and amalgamation decisions of the provincial government bodies charged with this responsibility. To obtain this basic information, the author will study each annexation and amalgamation of the two cities in detail by utilizing the files of the governmental bodies. Various other sources will also be used. These will include minutes of municipal council meetings, provincial government and municipal reports and documents, and private documents and reports held by various persons who were involved in the annexations and amalgamations.

The thesis contains seven chapters. Chapter One is a detailed discussion of the development, problems and solutions to metropolitan fragmentation. It is in this chapter that the relevance of Cox's approach to the problem is shown.

Chapter Two deals with the administrative, functional and legal variables of annexation and amalgamation in the American, Canadian and Alberta contexts. This chapter will also include a description of the powers and functions of the Local Authorities Board, the agency that is now charged with the responsibility of boundary extensions in Alberta.

Chapter Three is a description of the Cities of Edmonton and Calgary and their respective metropolitan areas. This will serve to create a basis for comparing the cities from the point of view of physical structure, physical growth, territorial expansion, limitations to growth (both physically and territorially) and the evolution of fragmentation.

Chapters Four through Six will deal with three stages in the history of territorial expansion of the two cities. Each stage is defined by one of the three provincial bodies that was empowered to make boundary extension decisions. These chapters will serve to identify and discuss the various policies of the three decision-making bodies. As well, the policies will be identified within the evolutionary framework of the territorial expansion of each city.

Chapter Seven will analyze the policies identified as associated with each city so as to determine what the effects of these policies were on the territorial development and the ultimate jurisdictional form of each city.

CHAPTER 1

POLITICAL AND PHYSICAL METROPOLITAN GROWTH AND STRUCTURE

THE OVER-BOUNDED AND UNDER-BOUNDED CITY

In the early stages of the growth of the modern city, growing population could usually be absorbed within the contemporary corporate boundaries.[1] As spatial pressures increased over time, and requirements for more land became obvious, annexation of territory on the periphery of the city became a satisfactory solution.[2] At this stage a city may be thought of as being over-bounded, in that there was enough space present or immediately available, through annexation, to contain development within the legal boundaries of the city.

---

[1] For detailed discussions of the historical growth of the city and urbanization see Bollens and Schmandt, The Metropolis. Harper and Row Publishers, New York, 1965, pp. 1 - 57.

K. Davis, "The Urbanization of the Human Population", in Scientific American (ed.), Cities. A.A. Knopf, New York, 1971.

J. Gottmann, Megalopolis. The Twentieth Century Fund, New York, 1961, pp. 17 - 166.

P.M. Hauser and L.F. Schnore (eds.), The Study of Urbanization, J. Wiley and Sons, Inc. New York, 1967.

L. Mumford, City Development, Harcourt Brace and World, New York, 1945.

[2] J.C. Bollens, op. cit., p. 41.

The early spatial growth of the modern city has been described as the result of a number of centrifugal or anti-nucleation forces under which commercial, industrial and residential land-uses migrated outward, liberating the city from its former compact state.[3]

During the last century most cities have experienced great increases in population and in the demand for more land per unit of use and this has made it very difficult to keep development within corporate boundaries. At this stage a city may be considered to be under-bounded, a state which is characterized by the overspill of commercial, industrial and residential land-uses out of and beyond the corporate boundaries of the city.

This state of under-boundedness has continued in most cities to this day, through a combination of centrifugal growth forces and the inertia of established infrastructures. These forces, in essence, have changed only in degree with the advent of larger disposable incomes, greater mobility and more leisure time.[4] The most recent expression of this phenomenon has been the metropolitan explosion of the past twenty-five years, in which suburban growth has completely outstripped that of the central cities, to the extent that they may now contribute small fractions of the total urban area and population.[5] In Blumenfeld's words, "...the city burst its eggshell and emerged as a metropolis".[6]

---

[3] For a detailed discussion of these forces see, C.C. Colby, "Centrifugal and Centripetal Forces in Urban Geography", in H.M. Mayer and C.F. Kohn (eds.), Readings in Urban Geography. The University of Chicago Press, Chicago, 1959, pp. 287 - 298.

PERIPHERAL METROPOLITAN STRUCTURES AND GROWTH

There are a number of models and theories that attempt to describe urban structure, urban growth or both. Some are merely static descriptions of perceived form. One such model is Carver's subjective description of the metropolitan region, which he sees as comprising four contiguous concentric zones: the metropolis or central city, the suburbs, the countryside, and the recreational and natural resource area.[7] Three other approaches that are often cited are the concentric zone, the multiple nuclei and the sector concepts, all of which are either limited in scope, or static, or do not apply very well to metropolitan structure.[8]

---

[4] B.J.L. Berry and F.E. Horton, Geographic Perspectives on Urban Systems. Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 1970, p. 58.

[5] H.B. Schecter, "Cost Push of Urban Growth", Land Economics. Vol. 37, No. 1, 1961, p. 19.

[6] H. Blumenfeld, "The Modern Metropolis" in Scientific American (ed.), Cities. A.A. Knopf, New York, 1971, p. 43.

Of greater relevance are the models presented by Mayer and Doxiadis, which draw in part on the models mentioned above.[9] Figures 1 and 2 are simplifications of these models. Both start, in time, with the traditional city which is represented by Mayer as the concentric zone city and by Doxiadis as the static circular core city. Mayer suggests that, as the city grew, waves of growth emanated from the core and followed along transportation corridors to the periphery, causing the development of a

---

[7] H. Carver, Cities In The Suburbs. The University of Toronto Press, Toronto, 1971. p. 52.

[8] See, E.W. Burgess, "The Growth of the City", in R.E. Park, E.W. Burgess and R.D. McKenzie (eds.), The City. Chicago University Press, Chicago, 1925. pp. 47 - 62.

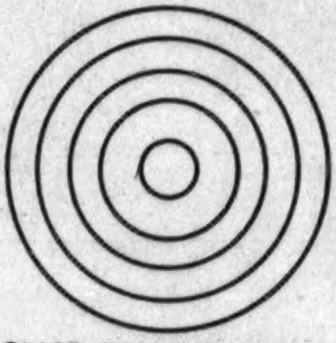
H. Hoyt, "Recent Distortions of the Classical Models of Urban Structure" Land Economics, Vol. 40, 1964. pp. 199 - 212.

R.D. McKenzie, The Metropolitan Community. McGraw-Hill Book Co., Ltd., New York, 1933.

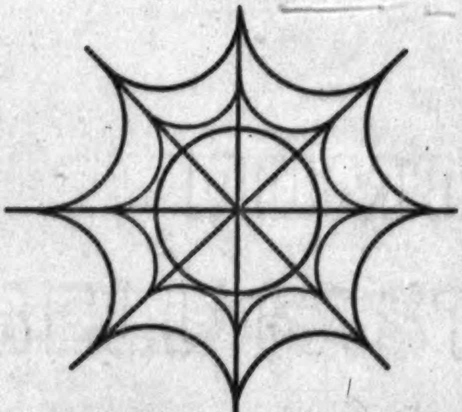
[9] C. Doxiadis, Ekistics. Hutchinson of London, London, 1968, p. 246.

H.M. Mayer, The Spatial Expression of Urban Growth. Research Paper No. 7, The Association of American Geographers, Washington, D.C., 1969, pp. 28 and 40.

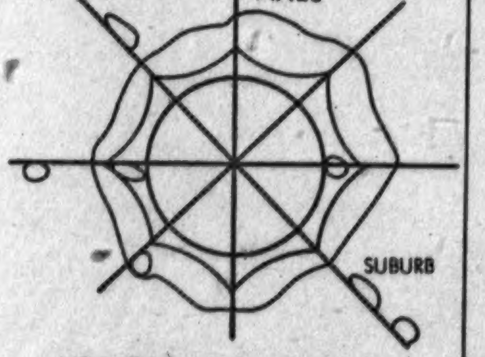
FIGURE 1: MAYER



CONCENTRIC ZONE CITY



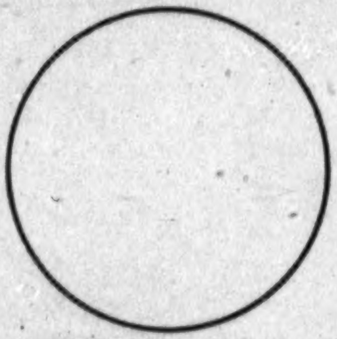
GROWTH ALONG TRANSPORTATION AXES



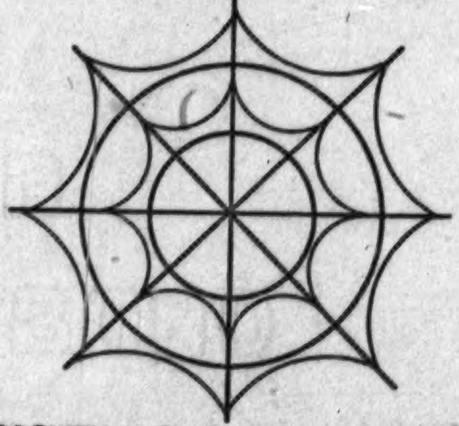
METROPLITAN GROWTH

SOURCE:
H.M. MAYER, THE SPATIAL EXPRESSION OF URBAN GROWTH. RESEARCH PAPER NO. 7. , THE ASSOCIATION OF AMERICAN GEOGRAPHERS, WASH. D.C. , 1969 pp. 28, 40.

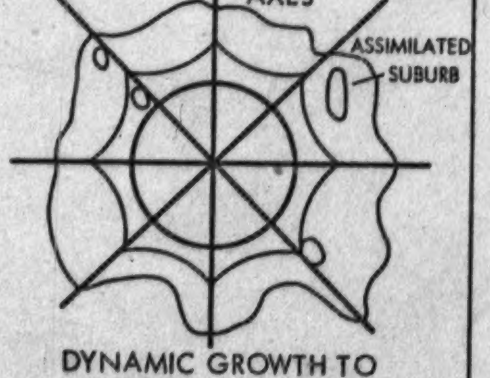
FIGURE 2: DOXIADIS



TRADITIONAL CIRCULAR CITY



GROWTH ALONG MOST FAVORABLE AXES



DYNAMIC GROWTH TO IRREGULAR FORM

SOURCE:
C. DOXIADIS, EKISTICS. : HUTCHINSON OF LONDON, LONDON. ENGLAND, 1968. p. 246.

stellar-city. Doxiadis also suggests that a stellar form of city is likely. However, he does not limit the form-producing factors to transportation, but to any forces that create a favourable developmental situation or lines of weakest resistance to growth and development. For example, topographical variables may influence the form and development axes of a city to a great extent. Doxiadis also states that the stellar form is not the only possibility. If the development forces are equal along the periphery, then a circular city will result. Even if the stellar form is produced, conditions may change and the circular form may appear. Both models suggest that as growth continues, isolated suburbs are formed on the periphery and the inter-axial spaces fill-in with development. Eventually the suburbs are absorbed by the peripheral growth and a multi-nucleated metropolis results with new suburbs even further out. Doxiadis suggests that as this growth continues, the metropolitan form will become irregular since the favourable development axes will become more complex, causing growth in many directions from many sources on the periphery.

Both models suggest that city growth occurs in irregular concentric zones of development. The outer zones are in a dynamic state of transition from rural to urban land-uses and they encroach increasingly further into the rural areas. Although these zones are not specifically delimited or defined, they at least in part represent the areas of urban overspill which violate the corporate boundaries of dynamic cities.

Urban overspill may therefore be considered spatially as occurring in the dynamic outer zones of the metropolis. The metropolis with this type of growth has been negatively described as the "anti-city" or "spread-city", while the peripheral zones have likewise been described in such terms as "hit and miss development", "scattered development" and, most commonly, "urban sprawl".[10]

Urban sprawl takes on various forms of spatial distribution, activity composition and legal status. Harvey and Clark have identified three forms of urban sprawl; continuous low density development, ribbon or axial development, and "leap-frog" or discontinuous pocket development.[11] The low density continuous development may be more clearly described as being attached residential development which gradually encroaches on the rural areas and which is commonly referred to as "suburbia".[12] The ribbon or axial development is characterized by commercial land-uses, that are in part directed at a mobile market and are thus located along major arteries leading into and out of the urban area.[13] Residential and industrial uses may also form ribbons along these arteries so as to take advantage of the accessibility afforded by the major transportation network. "Leap-frog" development refers to pockets of urban land-uses that are physically detached from the central city and are surrounded by vacant and agricultural land.[14]

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[10] H. Carver, op. cit. p. 52.
M. Clawson, "Urban Sprawl and Speculation in Urban Land" in R.G. Putnam, F.J. Taylor and P.G. Kettle (eds.), A Geography of Urban Places. Methuen, Toronto, 1970, p. 313.

[11] R.O. Harvey and W.A.V. Clark, "The Nature and Economics of Urban Sprawl" in Land Economics, Vol. 41, No. 1, p. 2.

Bollens and Schmandt present a less limited classification which adds agricultural villages and towns that are located on the periphery and have received migrating residential, commercial and industrial land-uses from the central city.[15] Murphy is even more liberal in classifying with the above, minor cities, scattered individual homes, scattered small groups of homes and rural areas.[16]

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[12] J. Kinsel, "A Concept of Rural-Urban Regions", in R.G. Putnam, F.J. Taylor and P.G. Kettle (eds.), A Geography of Urban Places. Methuen, Toronto, 1970. p. 353.

[13] G.J. Foster and H.J. Nelson, Ventura Boulevard: A String Type Shopping Street. Real Estate Research Program, University of California, Los Angeles, 1958, pp. 7 - 8.

[14] D.S. Rugg, Spatial Foundations of Urbanism, W.C. Brown and Co., Dubque, Iowa, 1972, p. 3.

[15] Bollens and Schmandt, op. cit., p. 37.

Studies of the rural-urban fringe have identified other uses that occur in the transition zones.[17] Pryor suggests that land uses here consist of the following; commercial uses, manufacturing and extractive industries, market gardens, dairies, poultry farms and fruit growing, all in various forms of distribution.[18] It is therefore evident that the urban land-uses on the periphery of the city consists of most of the possible types in isolation or clustered distribution, in attached or detached form in relation to the city, and mixed with rural land-uses.

Murphy suggests that all of these urban peripheral uses may be classified as suburban, but the term suburb should only refer to those named places that are incorporated.[19] Most of the literature agrees with the classification of peripheral uses as suburban, but there is little concensus as to what actually constitutes a suburb. Mumford very generally recognizes that people living on the periphery are in the suburbs, whereas Carver suggests that the term suburb refers only to the attached type of development that is continuous with the city.[20] Garner and Yeates are less restrictive when they include subdivisions and ribbon developments.[21] Because of this lack of concensus the author will consider any form of non-rural (i.e. non-farm) development located on the periphery of the legal city and which is closely tied to that city as being a suburb.

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[16] R.E. Murphy, The American City. McGraw-Hill Book Co., Ltd., New York, 1966, p. 36.

[17] The rural-urban fringe has been the subject of a number of delimitation and descriptive attempts, which have made no common suggestion as to where and what it is precisely. It would seem however, that it is included in the generally referred to "zone of transition" and shall be treated as such.

[18] R.J. Pryor, "Defining The Rural-Urban Fringe" in L.S. Bourne (ed.) Internal Structure of the City. Oxford University Press, Toronto, 1971, p. 66.

[19] Murphy, op. cit., p. 37.

Given this very liberal definition, one may identify many types of suburbs within the transition zone, depending on legal status, land-use make-up and the travel patterns of the residents. There may be totally residential, commercial or industrial suburbs and mixed land-use suburbs. They may be incorporated or unincorporated and in many spatial distributions, i.e., clustered, attached, detached and at varying distances from the city. Given all of these possibilities, two dominant suburb forms emerge;

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[20] Mumford (1945), op. cit., p. 20.
Carver, op. cit., p. 52.

[21] M.H. Yeates and B.J. Garner, The North American City. Harper and Row, Publishers, New York, 1971, pp. 249 - 250.

the dormitory and the satellite suburb.[22] The former, which may or may not be incorporated, lacks a significant amount of industrial activity, so that the residents predominantly commute to the city or other areas for employment. The satellite, which is usually incorporated, sustains a significant employment base, so that the residents do not commute to any high degree. In fact there may be a considerable amount of reverse commuting occurring from the central city or other areas to the suburb. Both types of suburbs are very closely tied to the central city, socially and economically, although the satellite may be rather more independent.[23]

There are thus many different types of development on the periphery of the metropolis, which are physical manifestations of the encroachment and expansion of the city across and beyond its corporate limits, resulting in a spatially disorganized and seemingly inchoate pattern of development. This typical form of urban growth has many negative overtones from political, economic and social perspectives.

This simplified version of physical urban growth and structure would not be complete if the political variable was not introduced with it, since much of the discussion had to do with the crossing of legal or corporate boundaries. Soja presents a political-spatial growth model of the city which shows this development of political fragmentation.[24] This model is presented in Figure 3. The model starts with the over-bounded city (Metrocity), where the corporate boundaries totally enclose the urbanized area. This may be compared with the first stages in the models of Mayer and Doxiadis. Rapid physical-horizontal growth causes the urbanized area to violate the legal boundaries of the central city and a state of under-boundedness emerges, where the urbanized area is administered partly by the city and partly by rural governments. These are the continuous suburban developments that have been mentioned. Isolated suburbs may also develop within the confines of other rural governments, and even within the boundaries of rural governments in other states or provinces. These suburban developments may be either unincorporated or incorporated. In the former case, they are politically and legally subordinate to the rural government in which they are found; in the latter case, they are relatively autonomous.

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[22] C.D. Harris, "Suburbs", American Journal of Sociology, Vol. 29, 1943, pp. 1 - 13.

[23] D.S. Rugg, op. cit., p. 13.

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[24] E.W. Soja, The Political Organization of Space. Association of American Geographers, Resource Paper No. 8 Washington D.C., 1971. p. 47.

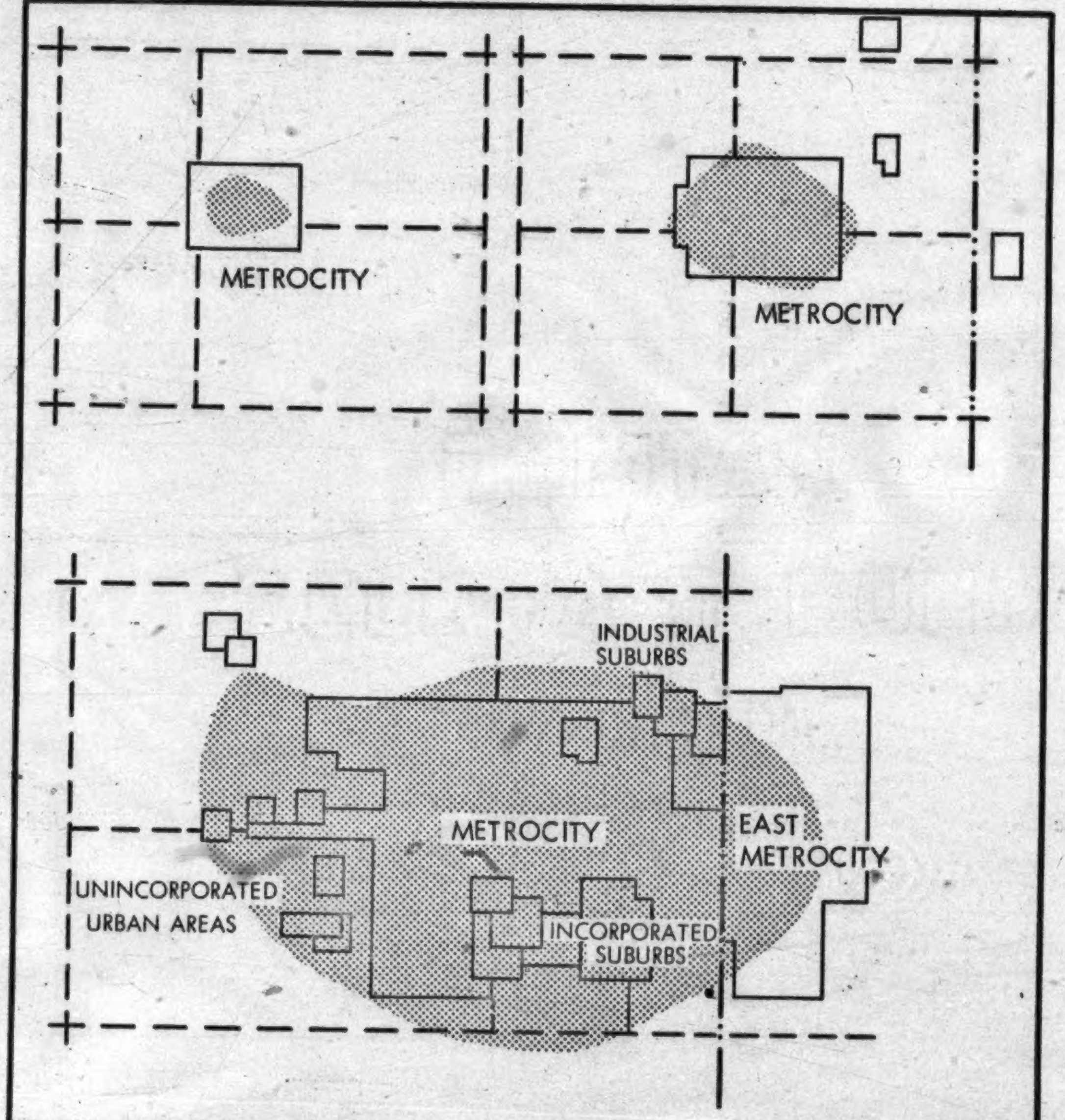
METROCITY
METROCITY
INDUSTRIAL SUBURBS
METROCITY
EAST METROCITY
UNINCORPORATED URBAN AREAS
INCORPORATED SUBURBS

FIGURE 3
GROWTH OF METROPOLITAN ADMINISTRATIVE FRAGMENTATION

LEGEND

——— URBAN MUNICIPAL BOUNDARIES
— — — COUNTY BOUNDARIES
—··— STATE OR PROVINCE BOUNDARY
▨ BUILT-UP AREA

SOURCE:
E. W. SOJA, THE POLITICAL ORGANIZATION OF SPACE. ASSOCIATION OF AMERICAN GEOGRAPHERS. RESOURCE PAPER No. 8, WASHINGTON D. C., 1971, p. 47.

As growth continues, the attached urbanized areas may still outreach the extensions of the legal central city boundaries. The situation could arise where the urbanized area violates the rural government boundaries and even the state or provincial boundaries. In this case the urbanized area could be governed by the central city, the adjacent rural government, other rural governments, a second state or provincial government and rural governments in that state or province. Moreover, virtually any part of the urbanized area may incorporate, which could result in the creation of a new city (East Metrocity).

Some of the older suburbs may eventually be annexed or may ward off consolidation attempts. The latter situation could result in the creation of enclaves or incorporated units totally surrounded by the central city, but remaining legally autonomous. Exclaves may also be created, where a piece of land separate from the city is legally part of the city. For example, some city airports are exclaves of the city. New suburbs may develop continuously on the periphery and incorporate, adding further to the very fragmented political organization of the area.

This stage in Soja's model may be directly related to the final stages of the Mayer and Doxiadis Models. When overlayed they yield a hypothetical model and the physical-political-spatial fragmentation of a typical metropolis. This model is presented in Figure 4. It is

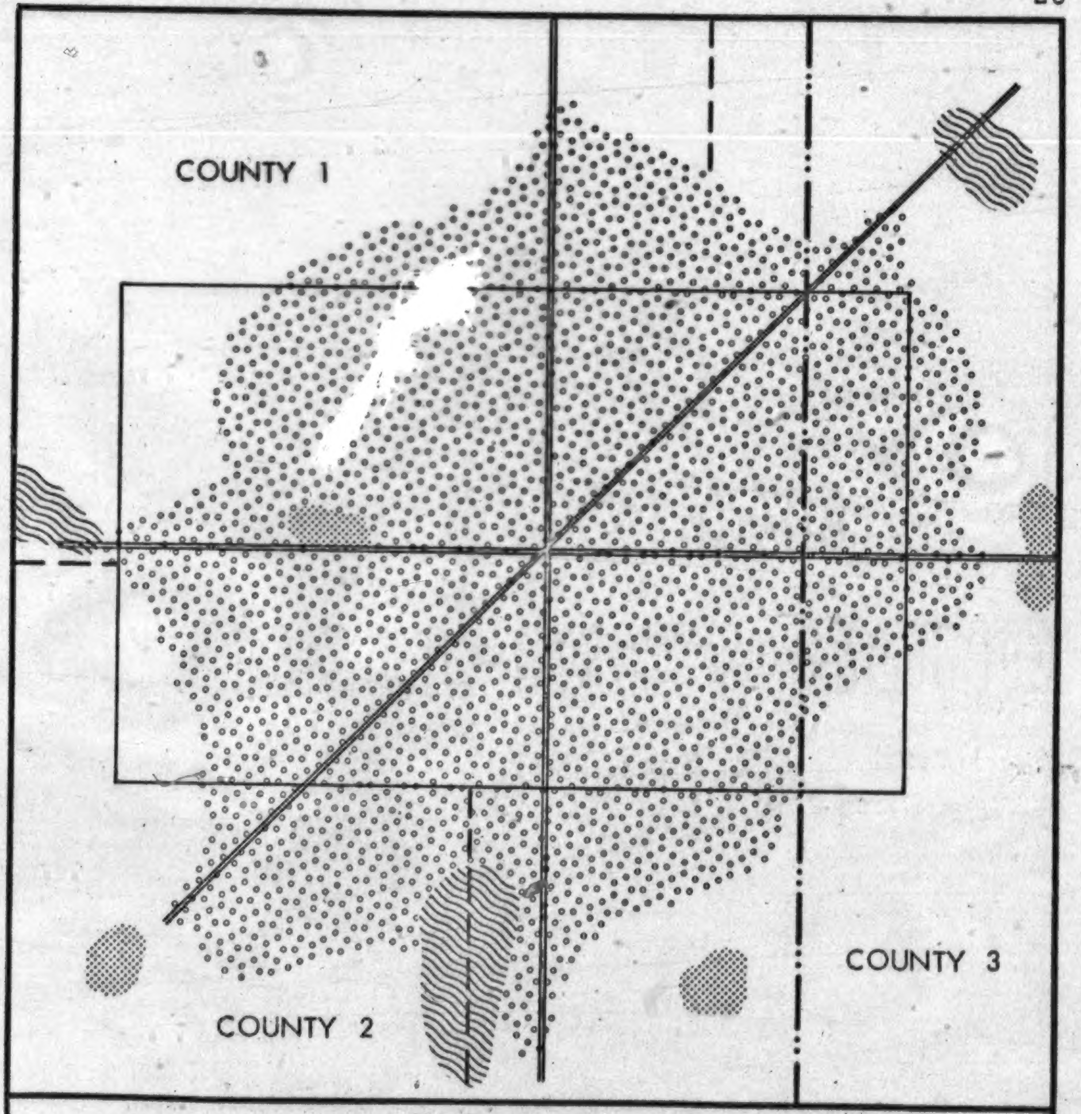

FIGURE 4

PHYSICAL FORM AND ADMINISTRATIVE BOUNDARIES

LEGEND

- — · · — STATE OR PROVINCE BOUNDARY
- — — — COUNTY BOUNDARY
- ——— CITY BOUNDARY
- ∘∘∘∘ BUILT-UP AREA
- ≋≋≋ INCORPORATED AREAS
- ▨ UNINCORPORATED URBAN AREAS
- ═══ TRANSPORTATION AXES

DERIVED FROM: C. DOXIADIS, EKISTICS, HUTCHINSON OF LONDON, LONDON, ENGLAND, 1968, p. 246.
H.M. MAYER, THE SPATIAL EXPRESSION OF URBAN GROWTH, RESOURCE PAPER No. 7., ASSOCIATION OF AMERICAN GEOGRAPHERS, WASHINGTON, D.C., 1969, pp. 28 & 40.

merely the application of a number of possible political boundaries to the physical models already discussed. An example of this type of development is presented by Proudfoot in his discussion of the political fragmentation of Chicago.[25] Figure 5 is a physical-political map of the Chicago area in 1950. The quasi-stellar form is evident, as is the multiplicity of government units; the two states of Illinois and Indiana, six counties and a number of incorporated and unincorporated areas. As well, the text lists 49 townships, 10 towns, 30 cities and 110 villages, that are not discernible from the map.[26]

Although Chicago is an extreme example of political fragmentation, it does indicate the validity of the Soja model. Physical and political growth have combined to create a metropolis that is marked by a physically disjointed distribution of urban activities and political space. With this has developed a number of difficult economic, social and political problems which, at one time or other, affect all the persons who live in the urban space.

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[25] M.J. Proudfoot, "Chicago's Fragmented Political Structure", The Geographical Review, Vol. 47, No. 1, 1957. p. 108.

[26] Murphy, op. cit., p. 424.

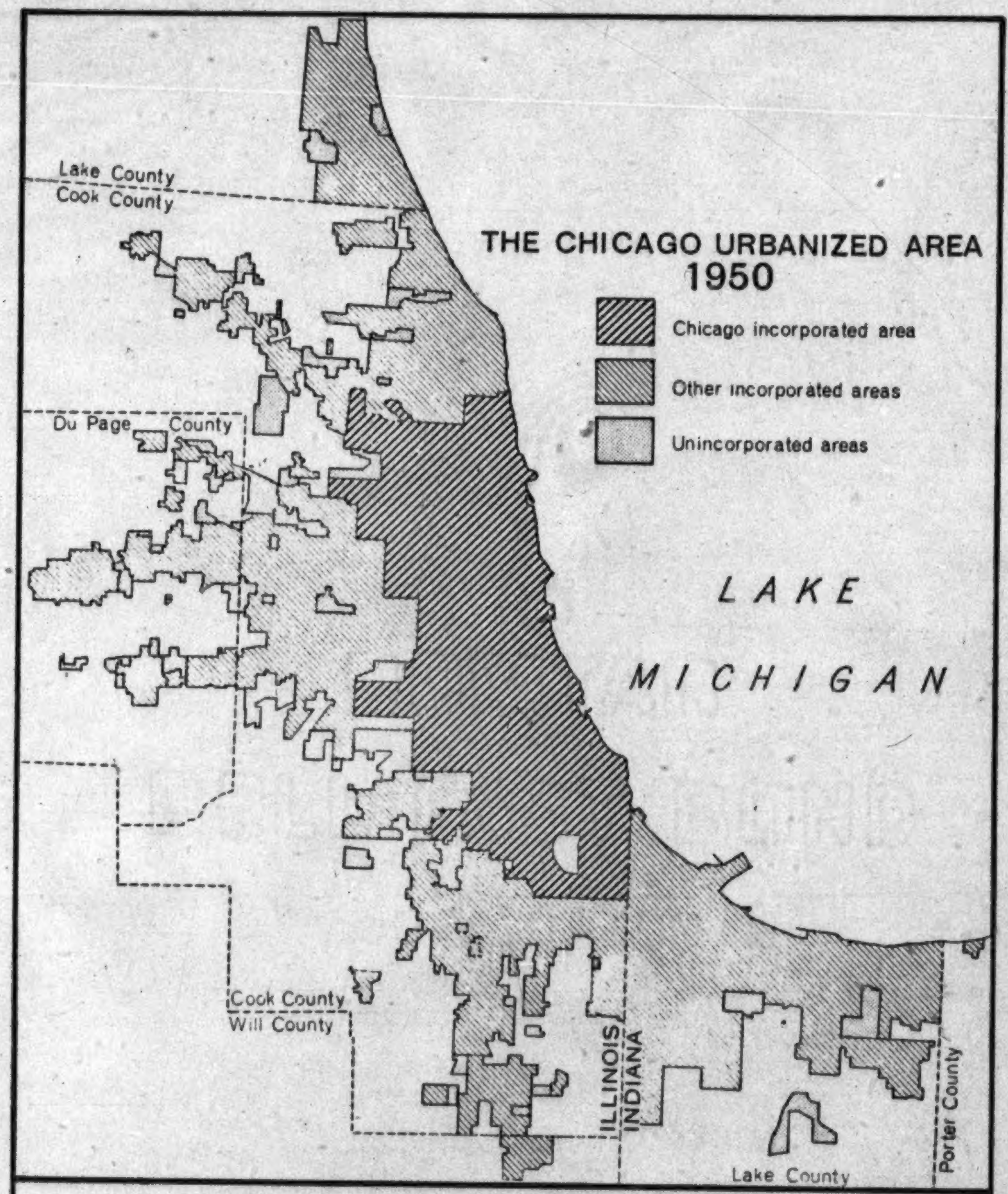
THE CHICAGO URBANIZED AREA
1950
Chicago incorporated area
Other incorporated areas
Unincorporated areas
Lake County
Cook County
Du Page County
LAKE MICHIGAN
Cook County
Will County
ILLINOIS
INDIANA
Lake County
Porter County

FIGURE 5

Scale: 0 2 4 6 Miles

Source: M. Proudfoot, op.cit., p. 108

EXTERNALITIES AND POLITICAL-SPATIAL FRAGMENTARY DEVELOPMENT

To clarify the causal relationship between political and physical fragmentation of the metropolis, the concept of urban externalities presented by Cox will be employed.[27] From this concept the model depicted in Figure 6 has been extracted and shall be employed in the remainder of this discussion (for orientation purposes).

Cox views externalities as a major force in the development of spatial activities in the urban environment. They may be considered as indirect effects brought on by an individual in the hope of maximizing that individual's utility.[28] These externalities may be either negative or positive in nature; i.e. they may be considered as indirect benefits or positive spillover effects, or they may be considered as indirect costs or negative spillover effects.

A given decision making unit or d.m.u. (A in Figure 6) at any geographic scale (e.g. the territories of the individual home owner, industrial firm or urban government), has resources which that d.m.u. wishes to allocate somewhere so as to improve its utility. This allocation

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[27] K.R. Cox, Conflict, Power and Politics In The City, McGraw-Hill Book Co., New York, 1973 pp. 1 - 13.

[28] *Ibid.*, p. 2.

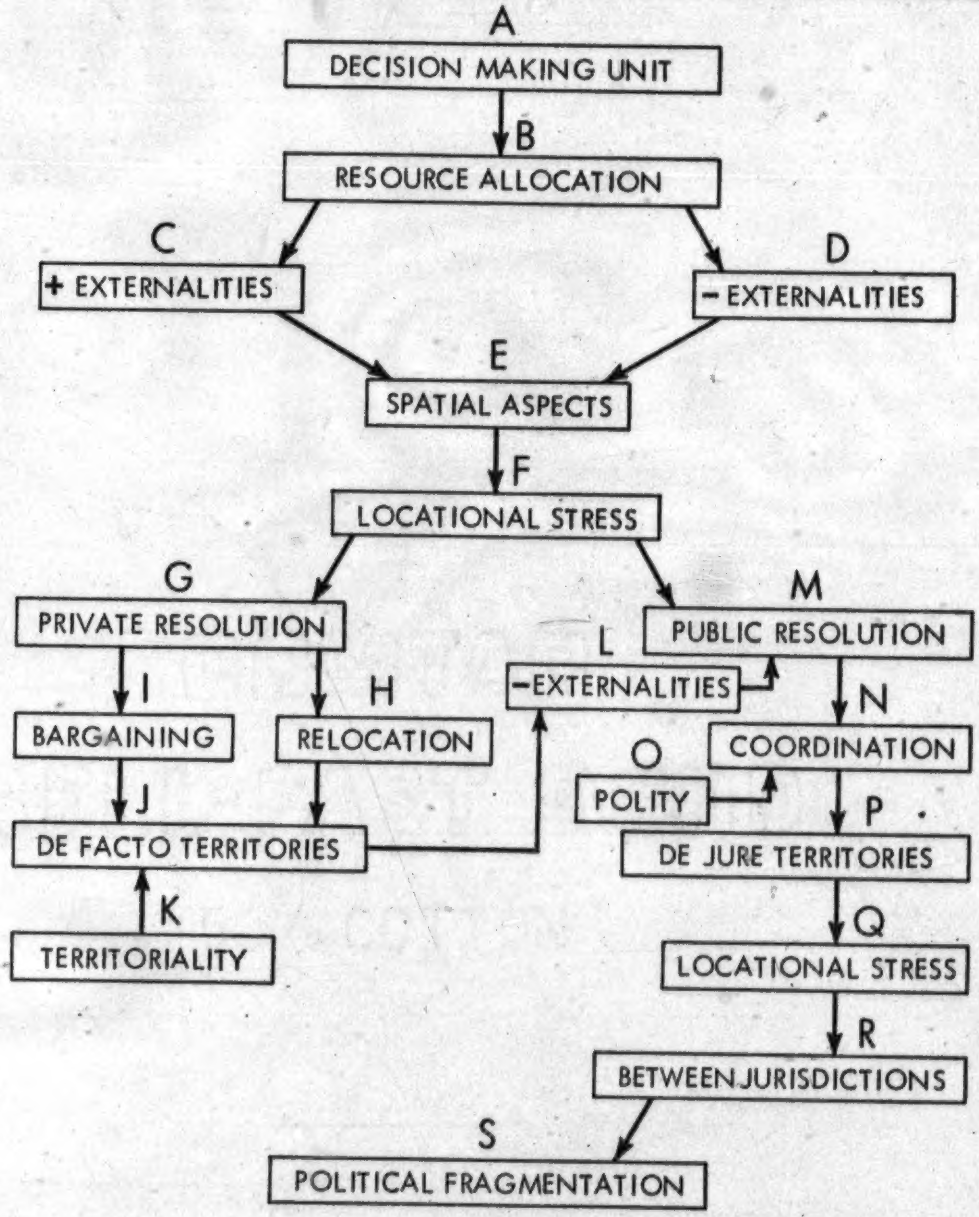
A
DECISION MAKING UNIT
B
RESOURCE ALLOCATION
C
+ EXTERNALITIES
D
- EXTERNALITIES
E
SPATIAL ASPECTS
F
LOCATIONAL STRESS
G
PRIVATE RESOLUTION
M
PUBLIC RESOLUTION
L
-EXTERNALITIES
I
H
N
BARGAINING
RELOCATION
COORDINATION
O
POLITY
J
P
DE FACTO TERRITORIES
DE JURE TERRITORIES
K
Q
TERRITORIALITY
LOCATIONAL STRESS
R
BETWEEN JURISDICTIONS
S
POLITICAL FRAGMENTATION

FIGURE 6

EXTERNALITIES AND POLITICAL FRAGMENTATION

SOURCE: DERIVED FROM: K.R. COX, CONFLICT, POWER AND POLITICS IN THE CITY, MCGRAW-HILL BOOK CO., NEW YORK, 1973.

will have either a positive or negative effect on surrounding resource allocators (B in Figure 6). The positive externality may be manifested, for example, in the increase in property values when a homeowner takes good care of his property (C in Figure 6). Each of the neighbouring homeowners benefits from this. The negative externality appears when the homeowner does not maintain his property very well and thereby reduces the property value of the neighbouring homeowners (D in Figure 6).

From these two simple examples it becomes clear that externalities are spatial in nature, which Cox attributes to two factors (E in Figure 6);

1. Externalities result from the location of one resource allocator near another. In other words, externalities result from proximity.

2. The proximal spatial interaction has a decay function, in that the farther one is away from a negative externality the less it affects his allocation or his utility. Likewise, a positive externality decreases with distance from its source.[29]

Because of the spatial dimensions of externalities it is apparent that locational stress and spatial conflicts, as well as spatial attraction and complementarity, may result between juxtaposed resource allocators due to their effects on one another (F in Figure 6). This may be evidenced in the traditional city where externalities caused the centrifugal movement of individuals to the periphery (G in Figure 6). For example, they were "pushed" by congestion, urban deterioration, and sociological problems such as status maintenance and social segregation, while they were "pulled" outward by positive externalities such as open spaces, lower taxes and less expensive land.[30] One may therefore consider urban "push" and rural "pull" as being exponents of negative and positive externalities respectively.

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[29] *Ibid.*, p. 5.

This migration of individual d.m.u.'s to the periphery is one form of private resolution of the locational conflicts that result from negative externalities (H in Figure 6).[31] This private relocation strategy results in the movement of an individual from a site where other resource allocators cause negative externalities (spatial factor 1), to a site where these negative externalities are either non-existent or less apparent (spatial factor 2).

Private relocation strategies are not the only alternatives, although they are the most effective and most frequent. Another strategy which is less effective is the bargaining strategy, where an individual who is negatively affected by a given resource allocator tries to readjust the environment rather than relocate (I in Figure 6). This is done either through bribery of various forms or by the outright purchase of the offender's property rights, in whole or in part.[32]

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[30] J. Gottmann, "The Growing City As A Political Process", Southeastern Geographer, Vol. 9, No. 2, 1969, pp. 4 - 16.

[31] Cox, op. cit., p. 5.

The private response of relocation strategies results in the formation of a number of de facto territories (J in Figure 6), where individual locators share the positive externalities that are afforded by each other and where they are able to avoid the negative externalities of other resource allocators.[33] This is most evident in the migration of residents from the central city into suburbs which are very often homogeneous and exclusive, not allowing lower income groups to locate there and thereby keeping out the groups that may produce negative externalities.

This type of response may be considered as being, in part, the result of human territoriality (K in Figure 6) described by Soja, who suggests that territoriality is a behavioral phenomenon associated with the organization of space in which spheres of influence are clearly demarcated territories which are made distinctive and are considered at least in part exclusive to the occupants.[34] This may be manifested at the individual level in private property and at higher organizational levels in the form of suburbs, regionalism or nationalism.[35]

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[32] *Ibid.*, p. 5.

[33] *Ibid.*, p. 9.

It would appear that human territoriality is in part caused by the negative externalities imposed on individuals and groups by other individuals and groups, since one function of territoriality is the defense against invasion by other unwanted groups.[36] Negative externalities have thus led in part to the formation of human territoriality and de facto territories.

The relocation response of industry and commerce to the periphery may also be considered as a mild form of territoriality since those groups tend to agglomerate for reasons of economy and facility and, in the case of low performance (polluting) activities, they tend to relocate to areas where the proximity of residential land-uses is minimal, so that they do not fall victim of high performance requirements. Commercial and industrial groupings may therefore be considered as being de facto territories as well.

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[34] Soja, op. cit., p. 19.

[35] Ibid., p. 20 - 21.

[36] Ibid., p. 34.

On the periphery of the city a number of de facto territories may be perceived in the form of unincorporated suburbs, commercial strips, industrial groupings and industrial parks.

Private relocation strategies have brought on considerable problems for the individual d.m.u.'s, peripheral governments and the central cities, from the physical and political point of view. These difficulties may be considered as negative externalities of a higher geographic order; that is to say, rather than individuals causing negative externalities on one another, groups of individuals, e.g. suburbs, are causing negative externalities on one another (L in Figure 6).

One of the major physical problems associated with private relocation is the distribution of land-uses on the periphery.[37] Because of a low density of development, normal urban servicing cannot be implemented at the expected city levels. This is due to the high costs involved in the delivery of water, sewerage, gas and electricity services over extended distances. Water, for example, may cost as much as 250 percent more to distribute in sprawl areas than in more densely developed city areas.[38]

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[37] W. Whyte, Jr., "Urban Sprawl", in The Exploding Metropolis. Editors of Fortune Magazine, Doubleday and Co., Inc., Garden City, New York, 1958, p. 134.

[38] Ibid., p. 140.

This higher cost of servicing may in some cases prevent the supply of those services, or lower the performance level of the service supply, which in turn affects the living standard of the peripheral residents.

Health and social services are also more difficult to provide at city performance levels. However, in this case the problem is not so much the supply of facilities, but their location where they are accessible to the most people.

Low density development may also affect the supply of transportation facilities at an adequate level. For example, low density distributions will often make it necessary to "bus" students to some central location, at extra costs to the citizens. Public transportation is difficult to provide at reasonable levels when the area to be serviced is very large and the development is of low density. Increased travel-time-costs due to greater distances are also evident, in which case the residents, businesses, local governments, and industries must bear the cost. Reasonable access to schools, shopping facilities, the central city, work and recreation areas may be difficult to provide to those residents that did not locate near major transportation routes. The maintenance of the transportation network, through paving, grading and road repair, may also cost a great deal more due to the greater number of road miles per capita.

Another frequently mentioned problem is the inevitable loss of farmland on the periphery of the city.[39] Although there is disagreement as to the degree of the problem, there is a general concensus that it could be reduced if the distribution of growth could be more strictly controlled. Due to speculation in land, and the resultant high increases in price, "leap-frog" development to less expensive land often occurs. This is a reaction of a group to the negative externality of the high price of land. As a result, a significant amount of land is left lying vacant and idle for a number of years, between the city and the isolated "leap-frog" developments.[40] It has been shown that, in some areas, about two acres of land lie idle in that manner for every acre of land that is actually developed at a given time.[41] This reduces agricultural production below its potential and this is especially important where the land is of high agricultural value. Thus, inefficient growth patterns may cause wastage of land and create, in part, the density distribution problems mentioned above.

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[39] See, R.R. Kreuger, "The Geography of the Orchard Industry in Canada", in R.M. Irving (ed.) Readings in Canadian Geography. Holt, Rhinehart and Winston of Canada, Ltd., Toronto, 1968, pp. 215 - 238.

A.D. Crerar, "The Loss of Farmland in Metropolitan Regions of Canada", in R.R. Kreuger, F.O. Sargent, A. DeVoss and N. Pearson (eds.), Regional and Resource Planning in Canada. Holt, Rhinehart and Winston, Toronto, 1963, pp. 126 - 134.

H.F. Gregor, "Urban Pressure on California Land", in Land Economics, Vol. 33, No. 4, 1957, pp. 311 - 325.

[40] Crerar, op. cit., p. 129.

[41] Ibid., p. 132.

The spatial expression of urban growth which has been described here indicates that there is a lack of control over development and land-use and thus over the private relocation strategies in the metropolitan area. This lack of control allows virtually any land-use to locate anywhere, resulting in many instances of land-use conflicts.[42] The conflicts may be between the locator and the rural governments, between two or more locators, between the locator and the natural environment and so on. It is therefore obvious that private relocation strategies may be successful from the point of view of those relocating, particularly when considering the negative externalities that were left behind, but problems of a higher order are caused on the periphery by this activity. Cox suggests that the coordination of the resource allocations of the smaller d.m.u.s is required.[43] This must be done at higher levels of organization by superordinate d.m.u.s with coercive powers since it may be necessary to detract from the individual's property rights for the sake of coordination and control (M and N in Figure 6). This authority must, for example, have the legal power to advise a given industrial firm that it may not locate in a certain area. The higher d.m.u.s thus coordinate the property rights of the lower level d.m.u.s so as to reduce the negative externalities among them and thereby increase the general level of public welfare.

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[42] Rugg, op. cit., p. 3.

[43] Cox, op. cit., p. 10.

This type of public resolution of negative externalities finds its source in the basic polity of most societies (0 in Figure 6).[44] Soja suggests that this is an approach to the achievement of a functional form of politics which has three major roles. The first is a coordinative role or administrative function aimed at satisfying the needs of a society as a whole, where there is a control applied to the distribution, allocation and ownership of scarce resources, such as land, money and the power to make authoritative decisions. The second role is an attempt to maintain order and the enforcement of power aimed at the resolution of conflicts both within and between societies This is also a measure of political process which aims to gain coordination through control. The last role is the legitimization of authority via societal integration, where the emphasis is placed on the creation and maintenance of institutions and behavior patterns which promote group unity and cohesiveness.

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[44] Soja, op. cit., p. 7.

These three roles of a societal polity result in part in the delimitation of areas or spaces in which these political activities take place and this is done at any geographic level above the individual. The boundaries of the spaces define the limits of the legal control of coordination and the allocative decisions of the constituent d.m.u.s by the same collective decision making process.[45] These spaces are known as de jure territories or jurisdictions (P in Figure 6).[46] At the metropolitan level they may be recognized as local governments, special governments, counties and state or provincial governments.

Thus, to realize control over and to develop coordination among individual d.m.u.'s, those d.m.u.'s must be defined spatially and their spaces must be legally controlled to minimize the negative externalities both to themselves and to higher levels of organization. When this is attempted the coordinating authority acts like an individual, in that it must allocate the resources available to maximize the utility of all concerned or to raise the level of public welfare. This is done in de jure territories by the supply of public goods and services.[47] These goods may be identified as legislation, land-use zoning, housing codes, utilities supply, health services, education, welfare, police and fire protection and so on. The costs of these public goods are covered by taxes and user fees that are imposed on the consumers.[48]

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[45] Cox, op. cit., p. 10 - 11.

[46] Cox, op. cit., p. 11 - 12.

Thus, negative externalities that may be found in the metropolitan area at various geographic levels have resulted in the formation of de facto and de jure territories. The former were created by private response to the negative externalities, while the latter were created either by a higher level political authority or by groups of individuals i.e., incorporation of suburbs, responding to externalities of a higher order. Both result from the central city's inability to contain its growth.

The presence of a large number of diverse jurisdictional types in various legal situations and in one relatively small area is a major problem of the contemporary metropolitan area. As with the lower levels of organization when one resource allocator creates negative externalities on neighboring resource allocators, these jurisdictions create negative externalities on one another and on the metropolitan area as a whole (Q, R and S in Figure 6). This situation is a major barrier to the attainment of more significant levels of public welfare via coordination, cooperation and control of the various interests.

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[47] Ibid., p. 10 - 11.

[48] Ibid., p. 11.

POLITICAL-ADMINISTRATIVE PROBLEMS OF THE METROPOLIS

One of the most frequently discussed problems of the metropolitan area brought on, in part, by metropolitan fragmentation is the central city-suburb fiscal problem.[49]

Since one of the functions of legal government is the supply of public goods and services and the assessment and collection of fees (taxes) for covering the costs of this supply, the fragmentation of the political make-up of the metropolis may be viewed as a separation of these two functions.[50] This difficulty is evident in the relationship of the central city and the dormitory suburb, where the dormitory residents pursue activities that are geographically non-selective.[51] That is to say, that the dormitory resident often works in one jurisdiction, usually the central city, lives in another and possibly shops, recreates or has children that go to school in still other jurisdictions. All of the mentioned services are provided by a number of jurisdictions, while the person generally pays taxes in only one of them and therefore the other jurisdictions must provide these services without revenue from the user.

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[49] For discussions of this problem see; Cox, op. cit., pp. 27 - 33.

A. Downs, "Metropolitan Growth and Future Political Problems", Land Economics, Vol. 37, 1961. pp. 311 - 320.

Committee for Economic Development, Reshaping Government in Metropolitan Areas. C.E.D., New York, 1970. p. 23.

E.A. Levin, "Rural-Urban Municipal Cooperation", Community Planning Review, Vol. 15, No. 4, 1965, pp. 16 - 22.

[50] V. Ostrum, C.M. Tiebout and R. Warren, "The Organization of Government in Metropolitan Areas", American Political Science Review, Vol. 55, 1961, p. 831.

It is generally conceded in the literature that the central city is the major victim, though not the sole victim, of this service-revenue disparity.[52] Every day, commuters from the outlying areas enter the central city and put use pressures on the services and facilities offered there. That is, they use the water and transportation systems and depend on the police and fire protection services.[53] Other facilities that are not supplied on the periphery such as recreation facilities, parks, entertainment facilities, libraries, hospitals, and so on, are also used. This use of central city goods and services without direct payment by the users causes economic pressures on the city administration and indirectly the citizens.[54] At the same time, however, Weicher points out that when these non-residents pay for the services offered by businesses and professional groups they indirectly pay for the taxes levied on those firms by the central city.[55]

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[51] L.C. Fitch, "Metropolitan Financial Problems" in Chinitz, B., (ed.), City and Suburb. Prentice-Hall, Inc., Englewood Cliffs, New Jersey. 1964, p. 115.

[52] For an interesting although inconclusive article discussing disagreement with this statement see; J.C. Weicher, "The Effect of Metropolitan Political Fragmentation On Central City Budgets", in D.C. Sweet (ed.), Models of Urban Structure. Lexington Books, Massachusetts, 1972, pp. 177 - 203.

This problem is accentuated by the intra-metropolitan migration of residents, commerce and industry. Since, generally speaking, the residents that move out of the legal boundaries of the central city are middle and higher income groups, a significant proportion of the residential tax revenue moves with them.[56] This migration will then leave the lower income groups, the elderly and the young couples in a higher proportion in the central city. The services that are supplied to the lower income residents are generally thought of as being subsidized by the higher income residential taxes and it is this group, as well as the young couples and senior citizens, that requires more of the social services such as health and welfare.[57] Thus the central city loses its higher tax paying citizens while retaining those that require more services than they can pay for.

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[53] W.A. Robson, "Metropolitan Government; Problems and Solutions", in Canadian Public Administration, Vol. 9, No. 1., 1966. p. 45.

[54] Doxiadis, op. cit., p. 247.

[55] Weicher, op. cit., p. 179.

[56] Committee For Economic Development, "Metropolitan Development and Problems" in J.F. Zimmerman (ed.) Government of the Metropolis. Holt, Rhinehart and Winston, Inc. New York, 1968, p. 16.

The outmigration of industry and commerce also creates difficulties since the business tax revenues move with them and thus a further drain on the economic viability of the central city is possible.

The whole tax picture, however, is quite obscure and many questions are still to be answered before any major conclusions should be drawn. Weicher, for example, asks why it is that residential suburbs of high income levels often have trouble financing their own services, without subsidizing lower residential groups?[58] The high income residential tax may not have as much value as it appears. He may, however, be oversimplifying the issue, as he later admits. An assessment of such a question

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[57] Downs, op. cit., p. 312.

[58] Weicher, op. cit., p. 179.

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would have to take into account many variables such as economies of scale and central city efficiencies, which may account for the difference in the relative value of the residential tax.

The central city is not the only victim in the separation of services and revenues. Problems are also created on the periphery where tax disparities may be present. When the industrial and commercial tax base moves to the periphery, there may not be an even distribution of the potential tax revenues among the suburban and rural governments. Some jurisdictions may therefore be overly endowed with tax revenues while others suffer shortages. This is due to both random location and the propensity for industry, commerce and office activities to cluster.[59] The lack of taxes in these unfortunate jurisdictions may then be reflected in higher residential taxes or lower levels of services.

The peripheral jurisdictions may also suffer from problems of facility and service use without revenues, since the city residents will often go to the peripheral areas for recreation, business or social visits. In this case, it is the peripheral residents who pay for the use of their facilities by city residents.

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[59] Downs, op. cit., p. 313.

It is the inability to isolate and contain users of public goods and services, so that those who benefit pay, that is a major difficulty in the metropolitan community. Indeed, since one of the reasons for providing public goods is so that they may be "packaged", and the benefits and costs may be internalized, it becomes obvious that this function is not being met. And since the supply of public goods is a coordinating device, it must be concluded that the metropolitan community is not coordinated to its maximum level. If this is the case it is then reasonable to concede that negative externalities such as those just described are bound to occur.[60]

The lack of coordination among metropolitan jurisdictions is very evident with regard to those functions regarded as area-wide in nature; that is, those functions and activities that cannot be internalized in small geographic areas and therefore can best be supplied over larger areas. For example, pollution does not stop at political boundaries and thus, while one jurisdiction receives the financial benefits of a polluting industry, it shares the negative externality of pollution with those that do not receive any direct benefit. Likewise, the benefits accruing from the construction of a freeway in the central city may go to many jurisdictions, while they do not pay for it through their taxes. Much of the literature is in agreement with the fact that these factors should be considered on an area-wide basis since their negative and positive externalities do not respect political boundaries and because it may be more efficient to supply them on larger scales. However, there is little precise agreement as to which functions should be considered area-wide and which functions should be considered as local or both. For example, de Torres suggests that on the basis of cost sharing, education, public welfare, hospitals, health services, transportation, police protection and natural resource management should be considered as area-wide functions, while water supply, sewerage facilities, sanitation, housing, urban renewal, fire, recreation, libraries and parking should be considered as local.[61] The Ontario Committee on Taxation suggests that area-wide functions vary depending on the area, but generally they would include planning, urban renewal, arterial roads, traffic control, parking, mass transit, police and fire protection, water supply, sewerage facilities, education and libraries.[62] Robson adds bridges, ambulance services, garbage collection, pollution control and parks to the above list, while Downs adds public utilities, and port and airport facilities, and others have added industrial development.[63]

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[60] Cox, op. cit., pp. 10 - 11.
Ostrum, op. cit., p. 832.

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[61] J. deTorres, Government Services in Major Metropolitan Areas, Conference Board Inc., Report No. 539, New York, 1972, p. 6.

Much of the literature is in accord on the need to coordinate the economic, sociological, physical and political activities of the various jurisdictions within the fragmented metropolitan areas. Generally speaking the demand for coordination stems from the many negative externalities, apparent or latent, that exist as a result of or along with the fragmentation of political function. As in the case of individual d.m.u.'s, the coordination is aimed at eliminating or at least ameliorating the negative externalities created. In the case of metropolitan coordination this is done through high level public resolution by the taking over of some of the property rights of the various decision making units, that is, jurisdictions, in the form of service supply and tax revenues so as to control the allocation of those resources under a common decision making process.

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[62] Ontario Committee on Taxation, "The Territorial Extent of Local Government" in L.D. Feldman and M.D. Goldrick (eds.) Politics and Government of Urban Canada. Methuen, Toronto, 1969, p. 260.

[63] Committee for Economic Development, in Zimmerman, op. cit., p. 19.
Downs, op. cit., p. 314.
Fitch, op. cit., p. 117.
Robson, op. cit., p. 46.

It is hoped not only that coordination will ameliorate those difficulties mentioned but also other significant problems such as handicapped budgeting, taxation without representation, disorderly and costly growth, limited access by the public to governments, lack of control over governments, governments that cannot respond to area-wide problems, duplication of function and the overlapping of jurisdictions.

Although the need for coordination is generally recognized, there is no agreement on how this coordination should be achieved and to what degree.[64] The solutions mentioned in the literature vary in degree from voluntary cooperation, through the formation of special governments and the two tier or federation form of government, to the unicity concept.

Cox views these reactions as being on a continuum of local government organization.[65] The continuum starts at the _de facto_ neighbourhood level, which has virtually no collective organization or transfer of property rights. It then proceeds through voluntary collective cooperation to coercive collective controls which take the form of *de jure* territories since this transfers property rights. This three stage continuum may be transferred to the next level of geographical-political organization which concerns only *de jure* territories. The start in the continuum in this case is the isolated jurisdictions that have no form of collective organization to assist in the handling of their problems. The continuum proceeds through voluntary collective control which might be manifested in the form of intergovernmental arrangements, where services are commonly shared or supplied to one another. The continuum proceeds further to the creation of legally organized special purpose governments which execute certain functions such as education or water supply in the hope of some efficiency in economy or administration. The continuum then proceeds to major reorganizational solutions, the first of which is the two tier or federal type of metropolitan government. Here all the jurisdictions, although remaining somewhat autonomous, come under the powers of an area-wide government. The final stage in the continuum is the unicity concept, where one government is given complete control over the whole metropolitan area.

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[64] T.J. Plunkett, _Urban Canada and Its Government_. Macmillan of Canada, Toronto, 1968. p. 80.

[65] Cox, _op. cit._, p. 24 - 25.

From the point of view of potential opposition or support, Smallwood has presented a similar continuum on the basis of a subjective formula:[66]

$$\text{Feasibility} = \frac{\text{External support}}{\text{Internal opposition}}$$

In this, the feasibility of attempting various solutions is directly related to the amount of external support, or the support of higher governments (state or provincial), and is inversely related to the internal opposition or that coming from local jurisdictions. Smallwood suggests that:

1. If the external support is strong and there is no internal opposition $F = \frac{++}{oo}$, total consolidation may be feasible.
2. If the external support is strong, but there is mild internal opposition or $F = \frac{++}{-}$, federation is a more feasible solution.
3. If the external support and the internal oppositions are equal or $F = \frac{+}{-}$, voluntary cooperation is more feasible.
4. If there is no external support and much internal opposition, $F = \frac{oo}{--}$, nothing is feasible.

Although the formula is crude, it does indicate that there is a continuum of possible coordinating devices. It also exposes the idea that each metropolitan area may be different in some respect, so that a solution for one may not be a solution for another.

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[66] F. Smallwood, "The Politics of Regional Government", in L.D. Feldman and M.D. Goldrick, op. cit., pp. 247 - 250.

SOLUTIONS OF POLITICAL-ADMINISTRATIVE METROPOLITAN PROBLEMS

Voluntary Cooperation

This form of coordination device is usually implemented by the jurisdictions themselves. It is prevalent in most metropolitan areas, but it is not always very effective or successful.[67] It entails the voluntary agreement of two or more jurisdictions on some aspect of their common situation. The end result may be manifested in advisory committees, consultative committees or joint committees, which often have to do with the sale of some public good or service.[68] For example, Grimsby and North Grimsby, two peripheral jurisdictions of Hamilton, Ontario collaborated voluntarily on a community center, fire department, library and water supply.[69] They also had a joint planning board. Two types of agreements were represented in this collaboration. One was the sharing of finances and administration, and the other was contractual sale.

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[67] Robson, op. cit., p. 50.

[68] Plunkett, op. cit., p. 82.

[69] R.M. Logan, Intermunicipal Relations in the Grimsby Area, Ontario. Mimeo, Paper to the C.A.G., Thunder Bay, Ontario, 1973, p. 2 - 5.

In many cases these voluntary arrangements work well with regard to the effective supply of the service involved, but not as a method for coordinating urban functions in the overall area, since fragmentation is actually increased. That is, where there were once two jurisdictions, there are now two jurisdictions and one new quasi-administrative area.

Special Purpose Governments

Special purpose governments have proliferated to a very high degree in most metropolitan areas today, chiefly when more extreme solutions are not politically feasible. Their popularity may be due to the fact that they preserve boundaries which are protected by historical determinism and by the parochial interests of the threatened local governments.[70]

Special purpose governments usually serve but one function, the responsibility of which has been removed from the local jurisdictions and is essentially placed in state or provincial powers.[71] Thus, unlike voluntary cooperation, special purpose governments actually increase the number of de jure territories within a given area. This increases what is often a hyper-fractionalized political-spatial situation. For example, the 100,000 citizens of the Highline School District in the State of Washington are serviced, governed and taxed by King County, the school district, Port of Seattle, four cities, eight sewer districts, eleven water distributors and the County Housing Authority.[72] Of these 26 governments, 21 are special purpose in nature, that is school, water, sewer, and housing. With such a high number of governing units it is difficult for the citizens to be informed about them and it is difficult to hold the appointed officials accountable. The governments may therefore be less responsive.[73] Dupré suggests that by taking these functions from the local government, and thereby influencing their resource allocations, the higher level governments are making the local governments quasi-subordinate relative to the powers they formerly had.[74] This is a major difficulty for the proponents of local government autonomy.

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[70] Murphy, op. cit., p. 427.

J.S. Dupre, "Political Dimensions of Regional Government" in Feldman, op. cit., pp. 286 - 288.

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[72] Citizens Advisory Committee in Zimmerman, op. cit., p. 37.

[73] Ibid., p. 80.

[74] Dupré, op. cit., p. 288.

Kaplan suggests that special purpose governments are usually set up in cases of emergency and hardly ever before that state is reached.[75] They are ad hoc solutions and are effective only in the short term since they are not being coordinated for planning purposes. He further suggests that they add to the confusion already present and that they work against regional planning since they forestall full scale reform by alleviating problems and weakening the regional planning agency.[76] Robson suggests, however, that they have value since they do not arouse political problems, do not threaten local authority, can be hand tailored to a specific problem, are spatially flexible and create a closed area-function relationship.[77] At the same time, he does regognize the problems mentioned by Kaplan.

It would appear that special governments alleviate some specific problems in the short term, but create more fragmentation of authority and function in the metropolitan area. Nevertheless, most metropolitan areas have them.

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[75] H. Kaplan, "Metropolitan Government", in R.R. Kreuger and R.C. Bryfogle (eds.) Urban Problems. Holt, Rhienhart and Winston, Toronto, 1971, pp. 352 - 353.

[76] Kaplan, op. cit., p. 353.

[77] Robson, op. cit., pp. 49 - 50.

The Two Tier or Federation Type of Government

The most debated forms of coordination are those that suggest the most extreme changes in the political structure of the metropolitan area. The first is the two tier or metropolitan federation approach. The federation may be viewed as deemphasizing the lower (first tier) government in favour of a regional second tier government, which acts between the provincial or state governments and the lower tier local governments.[78] This approach is based on the redistribution, in whole or in part, of governmental functions and powers from purely local to a combination of local and regional levels, based on the philosophy that some public goods and services are more efficiently distributed and will have higher performance levels when administered over larger areas. Those goods and services having area-wide preferences, with similar benefits and costs, are controlled at the metropolitan level, while goods which are localized in preference and costing are controlled at the local level.[79]

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[78] Ontario Committee on Taxation, op. cit., p. 251.

[79] G.C. Cook, "Public Service Provision In Metropolitan Areas" in L.D. Feldman and M.D. Goldrick (eds.) Politics and Government of Urban Canada. Methuen, Toronto.

There are a number of theoretical arguments that support the federal system. This system would be a better basis for tax collection and redistribution, leading to more equity and hence an amelioration of financial difficulties within many of the unfortunate jurisdictions.[80] The system also allows for the preservation of local community identity and autonomy even though many powers may be removed from the local jurisdictions.[81] The system will also maintain access to government and services, which is essential to political accountability and responsiveness.[82] There are numerous other arguments in support of the federation system, but the over-riding one is that the federation will increase coordination of governmental activities and thereby reduce many of the negative externalities which exist in the contemporary metropolitan area.

The three most often cited examples of the application of this form of coordination are London, Miami and Toronto. All three metropolitan areas were badly fragmented prior to their reorganization.[83]

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[80] D. Del Guidice and S.M. Sacks, "Why the Ontario Committee on Taxation made its Excursion into Regional Government", in Feldman and Goldrick, op. cit., p. 265.

[81] Plunkett, op. cit., p. 88.

[82] Ontario Committee on Taxat_on, op. cit., p. 255.

A number of problems are bound to occur when extreme reforms are implemented to increase the coordination of major urban areas. Some areas manage to cope with these problems, while others keep searching for even more extreme coordination attempts, because the federal system may work in one metropolitan area but not in others.

The Unicity Form of Government

This form of urban municipal government places the metropolitan area under the jurisdiction of one urban municipal government. Its major strengths concern complete control over the metropolitan area with regard to finance, planning and urban public services. As well it allows for maximum coordination of all administrative activities within the jurisdiction.

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[83] T.W. Freeman, *Geography and Regional Administration*. Hutchinson University Library, London 1968. pp. 170 - 175.

For complete discussions of the three examples see, Plunkett, *op. cit.*, pp. 76 - 118.

G. Rhodes, *The Government of London*, Weidenfeld and Nicolson, London, 1970.

A. Rose, "A Decade of Metropolitan Government in Toronto" in *Buffalo Law Review*, Vol. 13 (3), 1964. pp. 539 - 556.

A. Rose, *Governing Metropolitan Toronto*. University of California Press, Berkeley, 1972.

F. Smallwood, *Greater London*. Bobbs-Merrill Co., Inc., New York, 1965.

F. Smallwood, "Metropolitan Toronto; A Decade Later" in H.W. Eldredge (ed.), *Taming Megalopolis*. Anchor Books, Garden City, New York, 1967. pp. 697 - 693.

E. Sofen, *The Miami Metropolitan Experiment*. Indiana University Press, Bloomington, 1963.

This concept obviously brings the discussion back to its starting point; that is, to a single political urban area, with a boundary that encompasses the built up area and is perhaps over-bounded, and where one government administers all of the public activities within the area.

The weaknesses most often expressed with respect to this form are those concerning the large bureaucracy that is created in a sizeable metropolitan area, the lack of responsiveness of elected and administrative personnel, and the separation of the politician from the electorate.

Winnipeg, after trying the federal form, accepted the unicity form of government in 1972. The federal system had fallen to problems of taxation and supply of services. The Metropolitan Corporation of Greater Winnipeg was thus dissolved and the City of Winnipeg was created.[90] The City of Calgary also became a unicity, but more so by the growth of the administrative city into its surroundings.

The single government metropolitan area may develop in two ways. Firstly, it may develop, or be maintained rather, by the continuous or intermittent annexation of territory on the periphery of a growing city, where

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[84] T.R. Weir, Unicity; An Experiment in Administrative Centralization. Mimeo. University of Manitoba, Winnipeg. n.d.

there is no hindrance from other jurisdictions, as has been the case in Calgary. Second, it may develop because of the need for coordination of public activities in a fragmented metropolitan area and thus may occur suddenly, as it did in Winnipeg. In both cases, the response to the stimulus of physical and political growth has been amalgamation and annexation.

CHAPTER 2

ANNEXATION AND AMALGAMATION

DEFINITIONS

> Annexation was the original device for preventing fragmentation through the amalgamation of newly developed urban fringe areas into the city proper.[1]

In the literature the use of the terms annexation and amalgamation has been inconsistent and often incorrect. The terms are often used interchangeably or with various meanings by various authors as the following. Perhaps this confusion stems from the fact that the end result of the processes is essentially the same, that is, an expansion of the corporate city.[2]

Bain defines annexation as a process which causes "... the changing of municipal boundaries through the establishment of legal proceedings."[3] Sengstock defines it as "... the joining of territory to a city or other government instrumentality...", while consolidation is the "combining of two or more municipal corporations into one."[4] Bollens and Schmandt define annexation very simply as "... absorption of nearby unincorporated land" while consolidation is "... the merger of two municipalities."[5] Abrams suggests that annexation is the process by which a municipality or other governing authority absorbs surrounding land and brings it under its jurisdiction, where the annexed territory "... is usually unincorporated."[6] He defines consolidation as the "... absorption of one municipality by another or the merging of two or more municipalities, to create a single new government unit."[7] The National League of Cities distinguishes between the terms consolidation and merger, where the former refers to the formation of a new political entity and the latter refers to an addition to a continuing entity, both resulting in one political unit.[8]

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[1] O.P. Williams, Metropolitan Political Analysis. The Free Press, New York, 1971, p. 80

[2] A. Rose, "The Case Against Total Amalgamation In Metropolitan Toronto", in L.D. Feldman and M.D. Goldrick (eds.), Politics and Government of Urban Canada. Methuen, Toronto, 1969, p. 238.

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[3] C.W. Bain, Annexation in Virginia. The University of Virginia Press, Charlottesville, Va., 1966, p. ix.

[4] In the U.S.A. the term consolidation is usually used in place of amalgamation. Dictionary definitions will corroborate the fact that the meanings of the terms are essentially the same.
F.S. Sengstock, Annexation: A Solution to the Metropolitan Area Problem. The University of Michigan Law School, Ann Arbor, 1960, p. 7.

[5] J.C. Bollens and J.J. Schmandt, The Metropolis. Harper and Row Publishers, New York, 1965, p. 401.

[6] C. Abrams, The Language of Cities. The Viking Press, New York, 1970, pp. 7 - 8.

[7] *Ibid.*, p. 71.

It would appear that there is no concensus as to the distinction among annexation, amalgamation and merger. For the purposes of this thesis, merger and consolidation will both be equated with amalgamation which is defined as the legal process by which a physical and political unification of two or more incorporated urban jurisdictions may be effected, resulting in one new incorporated jurisdiction or the enlargement of a previously existing jurisdiction.[9] Annexation is defined as the legal process by which an unincorporated area is added to a corporate city, placing that area under the jurisdiction of the city.

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[8] National League of Cities, Adjusting Municipal Boundaries, Law and Practice. Department of Urban Studies, National League of Cities, Washington, D.C. 1966, pp. 57 - 59.

[9] Incorporation, in these cases, refers to urban incorporation, as opposed to rural incorporated areas such as counties, which are always present on the periphery of cities.

FUNCTIONS AND PROBLEMS OF ANNEXATION AND AMALGAMATION

Most of the literature dealing with amalgamation and annexation is American and deals with American situations. However, since much of this is relevant to Canada, amalgamation and annexation in the U.S.A. will be dealt with here as a general introduction.

In Chapter 1, annexation and amalgamation were mentioned as a means by which the growing city could be extended to contain the expansion of the urbanized area. This function still holds true today, but less effectively. Amalgamation, in particular, has virtually died out in the United States and is only rarely used in Canada. Annexation and amalgamation may also be used to provide raw land into which a growing city may expand, so that future development can proceed in a more orderly relationship with the city.

Added to these physical functions are the political and administrative values of annexation and amalgamation. They may help to broaden the geographic base for the administration and financing of local government services and provide for the area-wide performance of those services without the establishment of a new and overlapping jurisdiction. Furthermore it is often claimed that they promote the unity of metropolitan regions by resolving political, social and economic problems, without abdicating any local powers to a higher level of government.[10] The major theoretical political function of the device is to coordinate the metropolitan area, leading to the development of a unicity form of organization, so that the unfortunate consequences of political fragmentation will be eliminated.[11]

Bollens and Schmandt suggest that this major function of annexation and amalgamation is not being met and that their chief practical value is rather to ameliorate the problems on the urban fringe.[12] They attribute this failure to the fact that the metropolis is spreading too rapidly, that suburban municipalities have been successful in employing defensive incorporation allowed by liberal incorporation laws, that the areas where the devices are used are already too fragmented and that the metropolitan area in many cases is too large.[13] Added to this is the fact that many state laws in the United States are biased against the expansion of urban boundaries, which stems from negative attitudes to the unicity concept.[14] These factors caused the relative decline of the use of annexation and amalgamation from 1900 to 1945.

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[10] National League of Cities, op. cit., pp. iii, 1.

[11] D.S. Rugg, Spatial Foundations of Urbanism. M.C. Brown Co. Dubuque, Iowa. 1972, p. 202.
Sengstock, op. cit., p. 8.

[12] Bollens and Schmandt, op. cit., pp. 416 - 417.
D.R. Grant, "The Consolidation of Local Governments" in A Place to Live, U.S. Department of Agriculture, U.S. Government Printing Office, 1963, p. 255.

[13] Bollens and Schmandt, op. cit., pp. 416 - 417, 405 - 406.

Before 1900, annexation and amalgamation were rather easily implemented and they therefore assisted the political expansion of the growing city. For example, when Chicago was incorporated it had an area of 10.5 square miles. By 1900, it had increased to 190 square miles, mainly through large annexations.[15] However, after the turn of the century the large annexation virtually disappeared and was replaced by very small additions of territory. This may be appreciated in Figure 7 which shows the annexations prior to 1900 as being those numbered from one to thirty-six and those after 1900 as being numbered above thirty-six.[16] Notice the many small annexations, and the small total area annexed after 1900. This is also evidenced in other areas by the fact that it took 124 annexations to add six and one half square miles to San Jose, ninety-two actions to add three square miles to Fresno and fifty-three

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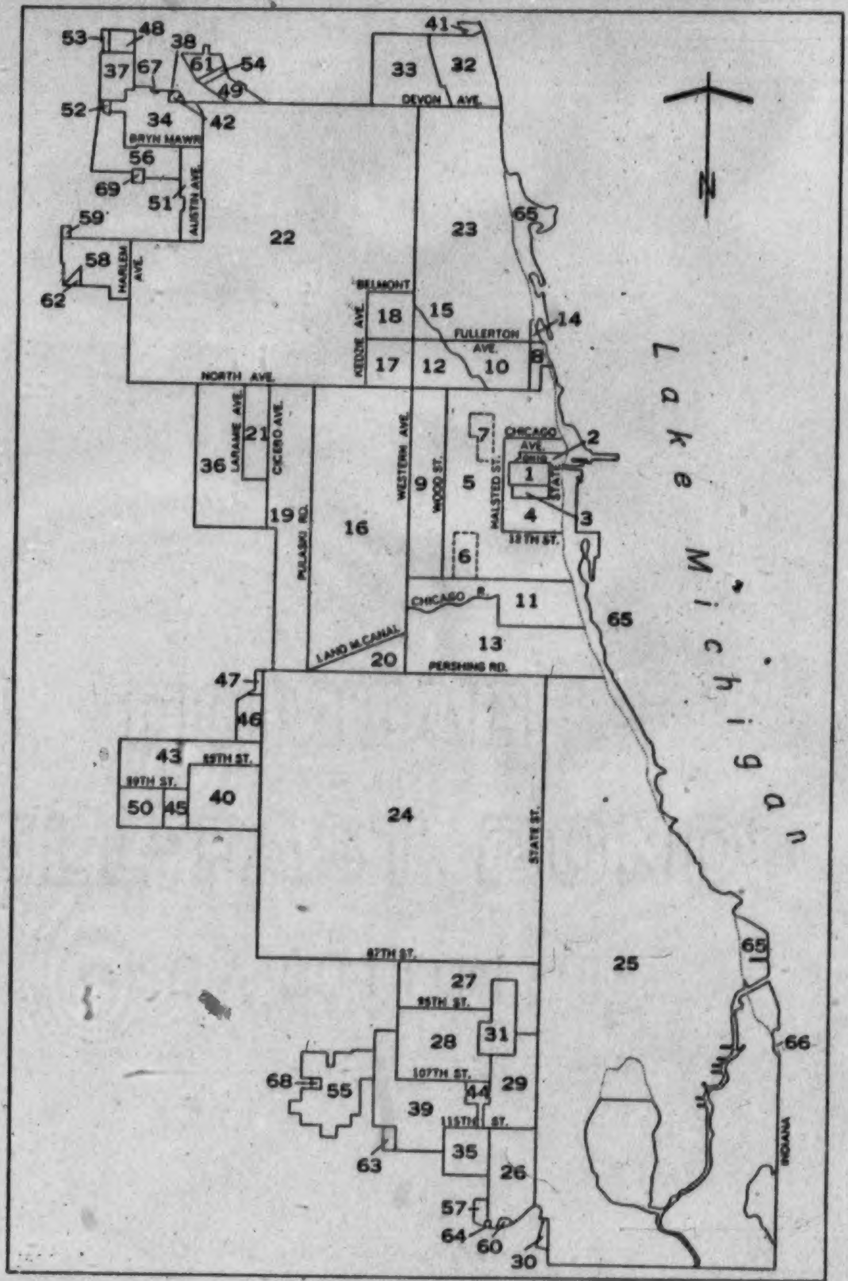
[14] Ibid., p. 404.

[15] Ibid., p. 403.

[16] M. Proudfoot, "Chicago's Fragmented Political Structure". The Geographic Review, Number 1, Vol. 47, 1957, p. 109.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BRYN MAWR
AUSTIN AVE.
HARLEM AVE.
BELMONT
KEDZIE AVE.
FULLERTON AVE.
NORTH AVE.
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PULASKI RD.
WESTERN AVE.
WOOD ST.
HALSTED ST.
CHICAGO AVE.
STATE
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CHICAGO R.
I. AND M. CANAL
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FIGURE 7

THE GROWTH OF CHICAGO BY ANNEXATION AND AMALGAMATION

Scale: 0 1 2 3 Miles

Source: M. Proudfoot, op.cit., p.109

actions to add 1.5 square miles to Rockford, Illinois.[17]

After World War Two, the use of annexation increased significantly in the United States. In 1945, territory was annexed by one hundred and fifty-two cities of five thousand or more population, while in 1962 this number increased to seven hundred and forty-five.[18] However, the character of these annexations was different from those of the nineteenth century. The new annexations were small and ineffective in dealing with metropolitan fragmentation. The large annexation became the exception, being found only in those areas with liberal annexation laws, with few peripheral communities and small cities.[19] Murphy partly agrees with this, when he suggests that two conditions for extensive annexation are liberal annexation laws and a large amount of adjacent unincorporated territory.[20]

Dye corroborates these views, in part, on the basis of his study of United States urbanized areas with a population of 50,000 or more persons and including at least one city.[21] He found that there is a direct, although weak, relationship between liberalism in annexation law and the frequency of annexation.[22] He also found a slight inverse correlation between the incidence of annexation and the size of cities doing the annexing.[23] He also found that cities with the manager form of government, younger cities, high status cities (measured in education), cities where the social differential favoured the city over the suburbs (measured in income, education, occupation and race), were more liable to annex territory than the other types of cities.[24]

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[17] R.E. Murphy, The American City, McGraw Hill Book Co., New York, 1966, p. 416.

[18] Bollens and Schmandt, op. cit., p. 408.

[19] Ibid., pp. 409 - 414.

[20] Murphy, op. cit., p. 416.

[21] T.R. Dye, "Urban Political Integration; Conditions Associated with Annexation in American Cities", Midwest Journal of Political Science, Vol. 13, No. 1, 1964, pp. 430 - 446.

Perhaps the greatest problem from the point of view of implementing annexation is the existence of incorporated or potentially incorporated communities on the periphery of the city wishing to annex these areas.[25] In many cases these peripheral communities do not wish to be annexed or amalgamated and as a result of this and difficult legal expansion processes, the city is unable to grow into the areas needed or desired. For example, some of the larger centers in the U.S.A. such as Chicago and

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[22] Ibid., p. 434.

[23] Ibid., p. 435.

[24] Ibid., p. 435 - 441.

[25] Murphy, op. cit., p. 417.

Cleveland are nearly enclosed.[26] This inability to amalgamate and annex territories on the periphery has also led to the creation of enclaves like Highland Park in Detroit and San Fernando in Los Angeles.[27]

The reasons for this peripheral opposition are numerous. Suburban residents often perceive city taxes as being much greater than their own, they dislike being subject to city zoning and subdivision regulations, they perceive services on the periphery as being satisfactory, they feel annexation or amalgamation is a threat to their autonomy, they fear the loss of a rural or semi-rural existence, the peripheral politicians fear becoming less important in a larger political framework, parochialism in wealthy areas results in a lack of desire of residents to share their high taxes and, finally, there may be a desire to maintain a community spirit.[28]

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[26] Loc. cit.

[27] Ibid., p. 418.

[28] C.W. Bain, A Body Incorporate. The University of Virginia Press, Charlottesville, 1967, p. 98.
Bollens and Schmandt, op. cit., p. 420.
Y.A. Koloslova, "The Territorial Expansion of American Cities and their Population Growth" in A Geography of Urban Places. R.G. Putnam, F.J. Taylor, and P.G. Kettle (eds.) Methuen, Toronto, 1970, p. 89.
Murphy, op. cit., p. 417.
W.A. Robson, "Metropolitan Government; Problems and Solutions", Canadian Public Administration, Vol. 9, No. 1, 1966, University of Toronto Press, p. 47.

Some of the unincorporated areas on the periphery have employed defensive incorporation to limit the threat of being amalgamated with the central city. Some state governments, recognizing the problem, have implemented anti-incorporation laws to facilitate annexation. Such laws were passed in the legislatures of Arizona, Idaho, North Carolina, Nebraska, New Mexico, Georgia, Ohio, Wyoming and Texas.[29] None exist in Canada.

Generally anti-incorporation laws provide for a buffer zone surrounding cities in which incorporation of communities is forbidden.[30] For example, the Municipal Annexation Act of 1963 in Texas gave cities extra-territorial powers over unincorporated land continuous with the incorporated city by designating buffer zones around cities of various sizes (Table 1).[31] The Act states that "... no city may be incorporated within the area of extra-territorial jurisdiction of any city without written consent of the governing body of such a city."[32] If the city

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[29] Bollens, op. cit., p. 423.
S.A. MacCorkle, "The Municipal Annexation Law of 1963" in J.F. Zimmerman, (ed.) Government of The Metropolis. Holt, Rhinehart and Winston, Inc., New York, 1968, pp. 145 - 152.

[30] Bollens, op. cit., p. 423.

[31] MacCorkle, op. cit., pp. 145 - 152.

[32] *Ibid.*, p. 147.

TABLE 1

THE TEXAS ANTI-INCORPORATION LAW (1963)

BUFFER SIZE RELATED TO CITY POPULATION

City Population	Buffer (Miles)
5,000 or less	.5
5,000 - 25,000	1
25,000 - 50,000	2
50,000 - 100,000	3.5
greater than 100,000	5.

S.A. MacCorkle, "The Municipal Annexation Law of 1963" in J.F. Zimmerman, (ed.) Government of the Metropolis. Holt, Rhinehart and Winston, Inc., New York, 1968, pp. 145 - 152.

refuses an incorporation request, then a fifty percent vote of land-owners in the area requesting incorporation may request to be annexed to the city. If this is denied by the city, the area may apply to the state for permission to incorporate.

Bollens and Schmandt suggest that these laws have merit but also some major flaws. They are not retroactive and thus cities with many surrounding incorporated areas are not affected by the law. Moreover, the laws do not require a city to annex an area and therefore they may choose the better areas to annex, leaving the low tax yield areas out of the city. Finally, the laws are not found in the states that most need them.[33]

It is very difficult to generalize about the use, application and effectiveness of annexation and amalgamation since, as indicated by Dye, there are many variables that affect the devices. His study showed that the variables of size, age, social differential, form of government, status and law explained only twenty-three percent of the variation in the incidence of annexation in the cities he studied.[34] It is apparent that every metropolis is in a different situation and that some are therefore more prone to annexation, as in the case of Texas, while others are not able to annex at all, as in many of the New England States.[35] The remainder and perhaps the majority fall between these two extremes.

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[33] Bollens and Schmandt, op. cit., p. 423.

[34] Dye, op. cit., p. 441.

Bollens and Schmandt have noted that a number of cities in the United States made significant additions to their territory in the period 1950 to 1960.[36] Twenty-two cities made additions of at least thirty square miles and one, Oklahoma City, added two hundred and seventy square miles (see Table 2). It is interesting to note that fourteen of the twenty-two cities are found in states with anti-corporation laws and it may also be noted that the cities were not very large, all having populations of less than one million.

It would appear that annexation and amalgamation are no longer sufficient in themselves to solve the metropolitan problems that were discussed in Chapter 1, though this generalization may not be applicable everywhere. In areas where the two devices have been used regularly to keep up with the growth of the urbanized area, it may be possible to achieve or maintain a unicity approach to

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[35] Murphy, op. cit., p. 417.
National League of Cities, op. cit., p. 6.

[36] Bollens, op. cit., p. 412.

TABLE 2

THE LEADERS IN ANNEXATION IN THE UNITED STATES 1950-1960, AMONG CITIES WITH POPULATIONS OF 100,000 OR MORE

City	1960 Population	1950-1960 Increase in Land Area
Oklahoma City, Okla.	324,253	270.7 Sq. Miles
Phoenix, Ariz.	439,170	170.3 " **
Houston, Tex.	938,219	168.1 " **
Dallas, Tex.	679,684	167.9 " **
Mobile, Ala.	202,779	127.5 "
San Diego, Calif.	573,224	93.0 "
Atlanta, Ga.	487,455	91.3 " **
San Antonio, Tex.	587,718	91.0 " **
El Paso, Tex.	276,687	89.0 " **
Newport News, Va.	113,662	70.8* "
Tampa, Fla.	274,970	66.0 "
Tucson, Ariz.	212,892	61.4 " **
Lubbock, Tex.	128,691	58.0 " **
Columbus, Ohio	471,316	49.6 " **
Kansas City, Mo.	475,539	49.2 "
Fort Worth, Tex.	356,268	46.8 " **
Wilwaukee, Wis.	741,324	41.1 "
Beaumont, Tex.	119,175	39.4 " **
San Jose, Calif.	204,196	37.5 "
Charlotte, N.C.	201,564	34.8 " **
Amarillo, Tex.	137,969	33.9 " **
Greensboro, N.C.	119,574	30.4 " **

* The results of an amalgamation of Newport News and Warwick.
**Anti-incorporation laws present.

(Source: Compiled from Bollens and Schmandt, *op. cit.*, p. 412).

urban problems. Bollens and Schmandt suggest that they should be viewed chiefly as stand-by devices while federalization or cooperation are implemented.[37] They further suggest that only the total amalgamation of all the municipalities, counties and unincorporated areas will solve the problems of metropolitan fragmentation and this is highly unlikely in many areas.

However, annexation and amalgamation can assist in the resolution of urban fringe problems. They can secure land for the orderly growth of the city, and so ensure that urban services may be extended rationally and economically. Moreover, the fringe areas become subject to city land-use, planning, building and housing regulations, and so the fringe residents receive the same protection as the city residents.[38] Thus, poor construction, inadequate sanitation, fire hazards, low levels of law enforcement, poor streets, land-use conflicts, and other negative externalities of living on the fringe can be lessened.[39]

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[37] Ibid., p. 418.

[38] National League of Cities, op. cit., pp. 1 - 2.

[39] Bollens, op. cit., p. 420.

ANNEXATION METHODS AND PROCEDURES IN THE UNITED STATES

In the United States there are a number of methods of implementing annexation.[40] Various classifications have been suggested, representing various points of view, but that presented by Sengstock will be employed in the text for reasons of clarity and scope.[41] Sengstock recognizes five methods: the first three, legislative determination, popular determination and municipal determination, are political methods; the remaining two, judicial determination and quasi-legislative or administrative determination, are non-political.[42] Any one, or combination of one or more, or combination of parts of these methods, may be employed by a given state. In all cases the methodology is chosen and placed in the statutes by the legislature of the state in question, since the adjustment of the territory of municipal corporations is a political matter to be dealt with at higher levels of government than the municipalities themselves.[43]

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[40] It must be noted that Sengstock considers annexation as the addition of incorporated and uni corporated territory, while the merger (a new jurisdiction formed) is distinctly separate.

[41] National League of Cities, op. cit., p. 4.

[42] Sengstock, op. cit., p. 9.

Legislative Determination (Political)

This method is employed when "the extension of the corporate boundaries of a municipality is effected by special acts passed by the state legislatures in response to exigencies of particular factual situations.[44] In some states this is the only method of extending municipal boundaries, while in others it is employed along with other methods.

Sengstock is of the opinion that this is a questionable method since all the problems of special local legislation are associated with it.[45] It may by-pass grass roots democracy, it makes long-range planning difficult and there is often a bias toward the rural areas in the state legislature through gerrymandering and "legislative courtesy", where a delegate from the affected area may bias the results.[46] The result is that in the states where this is the sole method of annexation, there has been a limited amount of annexation activity.[47] This, then, is an example where the lack of liberal annexation law reduces the propensity for the annexation of territory.

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[43] National League of Cities, *op. cit.*, p. 3.

[44] Sengstock, *op. cit.*, p. 9.

[45] *Ibid.*, p. 12.

[46] Ibid., p. 12.
National League of Cities, *op. cit.*, p. 7.

The method does have one positive attribute. At times, other methods may not be sufficient to effect an annexation where it is deemed absolutely necessary. Special legislation may then be an effective last resort.[48]

Popular Determination (Political)

Popular determination involves "the direct political power of the people to determine whether or not a proposed municipal territorial extension shall be accomplished.[49] This method may be subdivided into joint determination and self determination.[50] In the first case the state legislature requires that the annexor, the annexee and, sometimes, the diminished area (the one losing territory) determine together whether or not annexation should occur. In the second case, the legislature requires only that the annexee apply to the to-be-expanded city, or it may require the annexee's approval of an application from the city.

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[47] Sengstock, op. cit., p. 12.

[48] National League of Cities, op. cit., p. 7.

[49] Sengstock, op. cit., p. 13.

[50] National League of Cities, op. cit., p. 8.

Self determination is found in the majority of the states. Its major strength is that it allows people to decide for themselves what is to happen. However, Sengstock suggests that this method is the greatest stumbling block to annexation today since often the smaller area does not want to be annexed and thus will not or by giving approval it will not allow the city to apply. apply.[51] In joint determination it is often difficult to achieve the majority will of three interest groups and to achieve the two thirds majority of the electorate often required.[52]

Popular determination may also take the form of unilateral action by the city, if the annexee applies to the city. This method has strength in maintaining a unified area where only those who wish to be annexed apply and the city may choose whether or not it will annex the area. When the fringe must apply, land grabbing by the city is prevented. However, this leaves the destiny of the city in the hands of the peripheral areas since the city may not apply. Also, it is often the case that the poorer fringe areas are those that will apply for annexation. Thus the city may be subject to financial burdens.[53]

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[51] Sengstock, op. cit., p. 16.

[52] National League of Cities, op. cit., p. 9.

In the cases where the diminished territory has a vote in the proceedings, since this area may suffer losses in population, land area and tax base, a further stumbling block is introduced. Sometimes this results in an all or nothing stand being taken by the diminished territory.[54]

Municipal Determination (Political)

In this method of annexation "... a municipality is empowered to extend its boundaries by its unilateral action."[54] The strengths of this method, from the city point of view, are obvious, in that the city may determine its own destiny without the interference of external interest groups. Another strength is that the solution of urban problems is left in the hands of the people involved and not the state. However, there are a number of negative attributes to this very liberal method. The city may pick and choose only those areas it deems good from a tax or land value point of view, and it may leave the poorer areas to fend for themselves with their own problems. It also presents the opportunity for land grabbing in competitive annexation where there is a threat that other municipalities may attempt to annex the area in question.

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[53] Sengstock, op. cit., p. 19.

[54] National League of Cities, op. cit., p. 11.

[55] Sengstock, op. cit., p. 18.

Judicial Determination (Non-Political)

Judicial determination is one of the two impartial methods for annexing territory, where the decision is made by a third party who is not directly involved in the annexation. This method is employed when "... the judiciary of a state exercises the power of determining whether or not a proposed annexation should take place."[56] This method reduces political influence on the decision making process and thus it removes irrelevant and often misleading information from annexation proceedings. Because of its impartiality the method may be employed in making unpopular but necessary decisions. The decisions are often made on standards suggested by the state which leads further to impartiality. Finally, everyone involved in the annexation proposal will receive a fair hearing.[57]

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[56] _Ibid._, p. 26.

[57] _Ibid._, p. 32.

There are some negative attributes to this method. The judiciary may not be well qualified to make the decisions required. The use of a judicial tribunal is not always continuous and thus experience from one hearing may not be transferred to another. Finally, judicial hearings are often cumbersome and slow.[58]

Quasi-Legislative or Administrative Determination (Non-Political)

This is the second method of impartial determination and it exists where "... an independent nonjudicial tribunal or board is empowered to determine whether or not a proposed annexation should take place."[59] This method is termed quasi-legislative since the decision-making body is given a legislative function and because the body is given standards to work by and some discretionary powers by the legislature, via the statutes.

The method allows for the development of a consistent state policy on annexation, it destroys the stifling effect of interested parties, specialists may be employed to assess the situation, and it promotes the continuation of experience gained in previous annexation procedures.[60]

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[58] *Ibid.*, p. 33.

[59] *Loc. cit.*

The only limitation is the veto power of the legislature. Otherwise it has all of the strengths of judicial determination, while overcoming some of its weaknesses.

It would appear and Sengstock agrees that the quasi-legislative method is the most favourable of the five methods mentioned since it has many of the strengths of the others and a minimum of the weaknesses described.

Effects of Annexation[61]

When an annexation is successful the annexee becomes subject to the jurisdiction of the annexor. The situation of the annexee, annexor and the diminished territory is therefore altered in several ways. Annexation may affect franchises, employment contracts, bonds, the distribution of assets and liabilities, the disposition of property, the distribution of personal property, the supply of utilities and taxation.

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[60] Ibid., pp. 38 - 39.

[61] Ibid., pp. 73 - 112.
National League of Cities, op. cit., pp. 39 - 56.

A municipal franchise is a privilege given to a private concern by the state government to provide certain services such as electricity, water and transportation for given areas. When a boundary change occurs, questions arise as to the status of the pre-annexation franchises in the annexed area and the extension of the same from the annexing unit into the annexee.

A boundary change will also affect the status of elected municipal officers and hired municipal employees. As is often the case, the former will lose their positions while the latter may be absorbed in the enlarged unit.

When bonds are sold to raise funds for public projects, they are often secured by property taxes or the profits received from the project. The security of the investment may be jeopardized when an area with such bonds is annexed.

The fair and equitable parcelling out of public property for the settlement of pre-annexation assets and liabilities is required between the annexor and the diminished territory when a boundary change occurs. Likewise, compensation for the worth of improvements in the annexed area is also a question that arises. Cash assets and trust funds, being personal property, must also be subject to fair and equitable distribution among the annexee and the diminished territory.

Often, in the annexed territory, a developer has supplied many of the utilities and the facilities in the area and a question often arises as to who owns these improvements when the boundary change occurs. Property taxation also becomes an issue since often the levels of assessment, type of assessment and mill rates will be different in the annexee than in the annexor.

The solution to the problems and questions stated above vary in the United States with every state. Sometimes the solutions are spelled out by statute or in a statement of state standards while in other areas a settlement is reached prior to or during the annexation procedure or even through litigation.

Annexation in the United States is a very complex and variable process because of the varying attitudes and points of view expressed in the statutes of the fifty state governments. This situation has led to great variation in the ability of the American city to approach successfully a policy of annexation and amalgamation for the solution of metropolitan spatial problems.

ANNEXATION IN CANADA[62]

There is a paucity of literature on the topic of annexation and amalgamation in Canada. This is strange for it would appear that these devices are relatively more often and more effectively employed in Canada. One need only look at the total amalgamation of the Winnipeg metropolitan area, the large annexations of the City of Ottawa, the many annexations of the Cities of Edmonton and Calgary, and the relatively large annexations of the Cities of Kamloops and Kelowna to come to this conclusion. Perhaps this is a reflection of the liberal attitude displayed by some provinces with regard to metropolitan problems in areas such as Toronto and Winnipeg.

The variables of city age and size and the availability of liberal annexation laws, as described by Dye, may be having some effect in Canada. Many of the cities are much younger than those in the United States, they are often smaller than their American counterparts and most of the provincial annexation legislation is relatively liberal. This is not to say that the general problems of annexation and amagamation do not apply in Canada. In Montreal, for example, it was found to be very difficult to approach a policy of annexation and amalgamation of the metropolitan jurisdictions because of the opposition of the peripheral communities.[63]

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[62] For a dated but relevant discussion of annexation legislation and procedure in Canada see J.I. McVittie, Municipal Amalgamation and Annexation. The Institue of Public Affairs, Dalhousie University, Halifax, 1959.

As in the United States, it appears that annexation and amalgamation may be more difficult in the larger metropolitan areas such as Montreal, Toronto and Vancouver, and for the same reasons. In the smaller urban areas, on the other hand, annexation and amalgamation are frequently employed, either for city growth purposes or for purposes of coordination.

The power of extension of the corporate boundaries of municipalities, as in the United States, is vested in the regional governments. The statutes of all the Canadian provinces include provisions for the extension of municipal boundaries through annexation and amalgamation. In some cases, even the coordinative function of annexation and amalgamation is expressed in the statute.[64] The methods for extension expressed in the statutes are not as varied as in the United States, since neither judicial determination nor municipal determination is provided for in Canada.

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[63] B. Keith-Lucas, "Metropolitan Local Government in Canada", in Public Administration, Vol. 39, 1961. p. 257.

[64] Quebec, Province of, An Act To Promote Regroupment of Municipalities, 1971, C. 53, Sec. 1 - 29.

Legislative determination is employed, although not frequently, by some provincial governments. For example, New Brunswick has resorted to this method in a number of amalgamations.[65]

The majority of the provinces employ a mixed form of popular determination and partial legislative determination, the latter being in the form of legislative approval, by the Lieutenant Governor in Council. In British Columbia and Quebec, Letters Patent are issued by the Lieutenant Governor in Council ordering a given annexation proposal.[66] In Manitoba, annexation is implemented by ministerial proclamation or the issuance of Letters Patent.[67] In Saskatchewan, a ministerial order is required.[68] In Newfoundland, the Lieutenant Governor in

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[65] McVittie, op. cit., p. 6.

[66] British Columbia, Province of, Municipal Act, 1960, R.S., C. 255, Sec. 20 - 28.
Quebec, Province of, op. cit., C. 53, Sec. 1 -229.

[67] Manitoba, Province of, Municipal Act, 1970, C. 100, Sec. 13 - 38.

[68] Saskatchewan, Province of, Urban Municipalities Act, 1970, C. 78, Sec. 22 - 23.

Council must amend the order that created the municipality in question so as to change its boundaries.[69] In New Brunswick, annexation is subject to the approval of the Lieutenant Governor in Council, while in Prince Edward Island similar approval is required along with a municipal by-law stating the Council's intention to annex the territory.[70]

In Alberta, Nova Scotia and Ontario, the quasi-legislative method is employed via the Local Authorities Board, Board of Commissioners of Public Utilities and the Ontario Municipal Board respectively.[71] All of these bodies put effect to a given annexation by the issuance of board orders.

The statutes of the provinces employing quasi-legislative determination are quite similar with regard to such variables as who may apply for annexation, how applications are made, the provision of public hearings, objection procedures, finality of decision and so forth. The lists of the specific powers of the boards with regard to their orders vary in content and volume. For example,

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[69] Newfoundland, Province of, Local Government Act, 1972, C. 71, Sec. 6, No. 32, Sec. 6.

[70] New Brunswick, Province of An Act to Amend the Municipalities Act, 1967, R.S., C. 56, Sec. 15 (1 - 5).
Prince Edward Island, Province of, Municipalities Extension Act, 1957, C. 23, Sec. 1 - 17.

[71] Alberta, Province of, Municipal Government Act, 1970, C. 246, Sec. 20 - 23.

Ontario lists a number of specific powers dealing with such factors as the distribution of assets and liabilities, tax assessment and so on, while Alberta lists a few and Nova Scotia none. The former two provinces are given a relatively free hand by the statutes which state that the boards may introduce "... such terms and conditions as to the Board seem proper", in the board orders.[72]

It would thus appear that annexation and amalgamation methodology and subsequent statute specifications do not vary as much in Canada as they do in the United States. Indeed, many of the more general aspects with regard to quasi-legislative determination are quite similar. The Nova Scotia and Ontario statutes, for example, are in part identical. One might therefore assume that any references and implications made with regard to annexation and amalgamation law, procedures and effects in Alberta in this thesis may be largely applicable in Nova Scotia and Ontario, but less in the other provinces since their legislation is quite different.

ANNEXATION PROCEDURE AND LAW IN ALBERTA

Since 1928, quasi-legislative powers to determine annexation and amalgamation have been vested in three boards: the Board of Public Utilities Commissioners (created in 1915), the Public Utilities Board (created in 1960) and the Local Authorities Board (created in 1961). The first board became extinct in 1960 when the Public Utilities Board took over the powers relating to annexation and amalgamation. In 1961, these powers were transferred to the Local Authorities Board, to lessen the workload of the P.U.B. Other powers dealing with municipal finance were also transferred at this time.

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[72] Alberta, op. cit., Sec. 20 (3).

The Local Authorities Board and The Provincial Government

The Local Authorities Board, being quasi-legislative, is a representative of the Lieutenant Governor in Council of the Province of Alberta; however, its ties with that body are solely administrative. Figure 8 indicates the relationship and the position of the Board in relation to the Minister of Municipal Affairs and his department. From this, it can be appreciated that the Board is autonomous and has no responsibility links with higher provincial bodies in the Government. Its only link is for accounting services which are obtained through the Minister of Municipal Affairs. These services include salaries, stock, secretarial assistance, and expenses resulting from

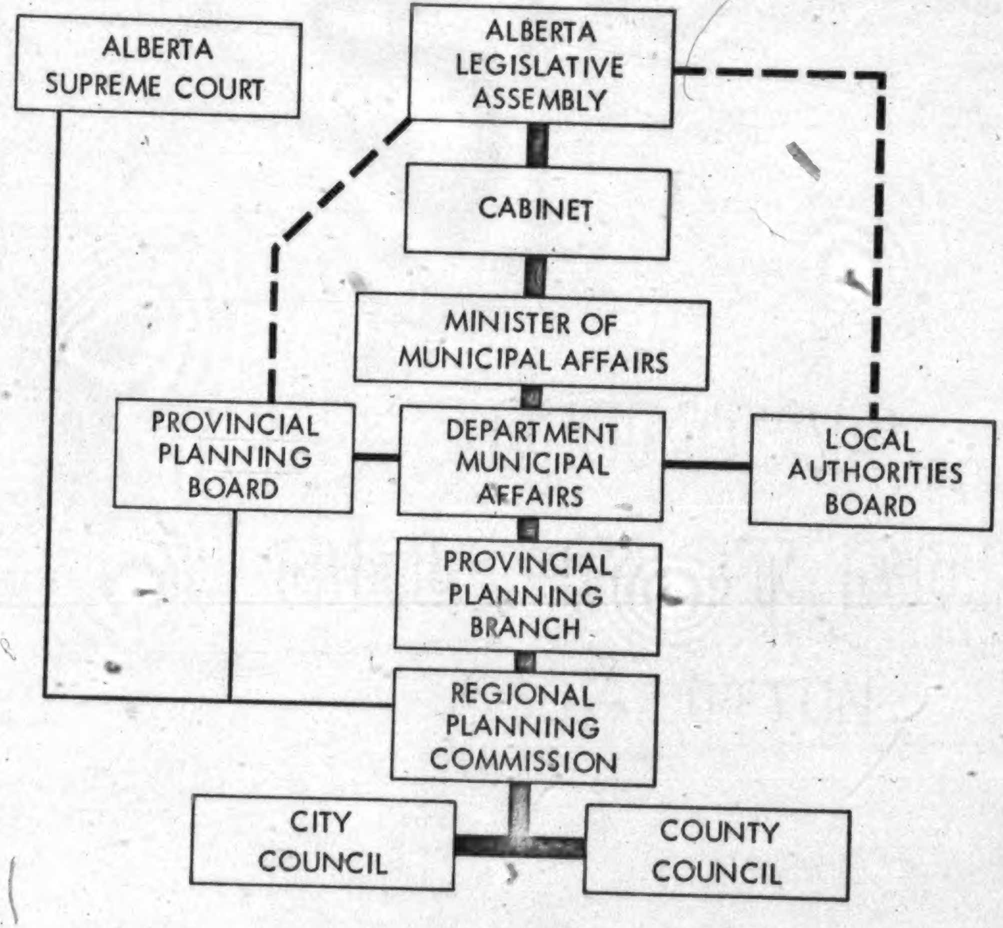
ALBERTA SUPREME COURT
ALBERTA LEGISLATIVE ASSEMBLY
CABINET
MINISTER OF MUNICIPAL AFFAIRS
PROVINCIAL PLANNING BOARD
DEPARTMENT MUNICIPAL AFFAIRS
LOCAL AUTHORITIES BOARD
PROVINCIAL PLANNING BRANCH
REGIONAL PLANNING COMMISSION
CITY COUNCIL
COUNTY COUNCIL

FIGURE 8
HEIRARCHICAL ARRANGEMENT OF BODIES RELATED TO MUNICIPAL AFFAIRS

LEGEND

▬ DIRECT LINE OF RESPONSIBILITY
━ PROVISION OF ACCOUNTING SERVICES ONLY
— APPEAL PROCESS
– – LEGISLATIVE ACT

SOURCE:
MUNICIPAL AFFAIRS, DEPT. OF, MUNICIPAL AFFAIRS INFORMATION BRIEF "B".

the performance of the Board's duties.[73]

In the overall structure of governmental bodies related to municipal affairs it may be noted that the Board has direct links with city and county councils in the performance of its duties. This may be appreciated from Figure 9.[74]

Thus the Local Authorities Board is a quasi-legislative, autonomous body within the governmental framework of the Province of Alberta, being responsible to municipalities for those functions set out in the Statutes of Alberta.

Membership

The Board is made up of three members, one of whom is chairman. All three are appointed by the Lieutenant Governor in Council for an indefinite period, or until retirement at the age of sixty-five.[75] The Statutes also provide for a Board Secretary who must perform certain

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[73] Pers. Comm. C.G. MacGregor, Edmont.

[74] Department of Municipal Affairs, Province of Alberta, Mimeo.

[75] Province of Alberta, Local Authorities Board Act, Sec. 3, 5.

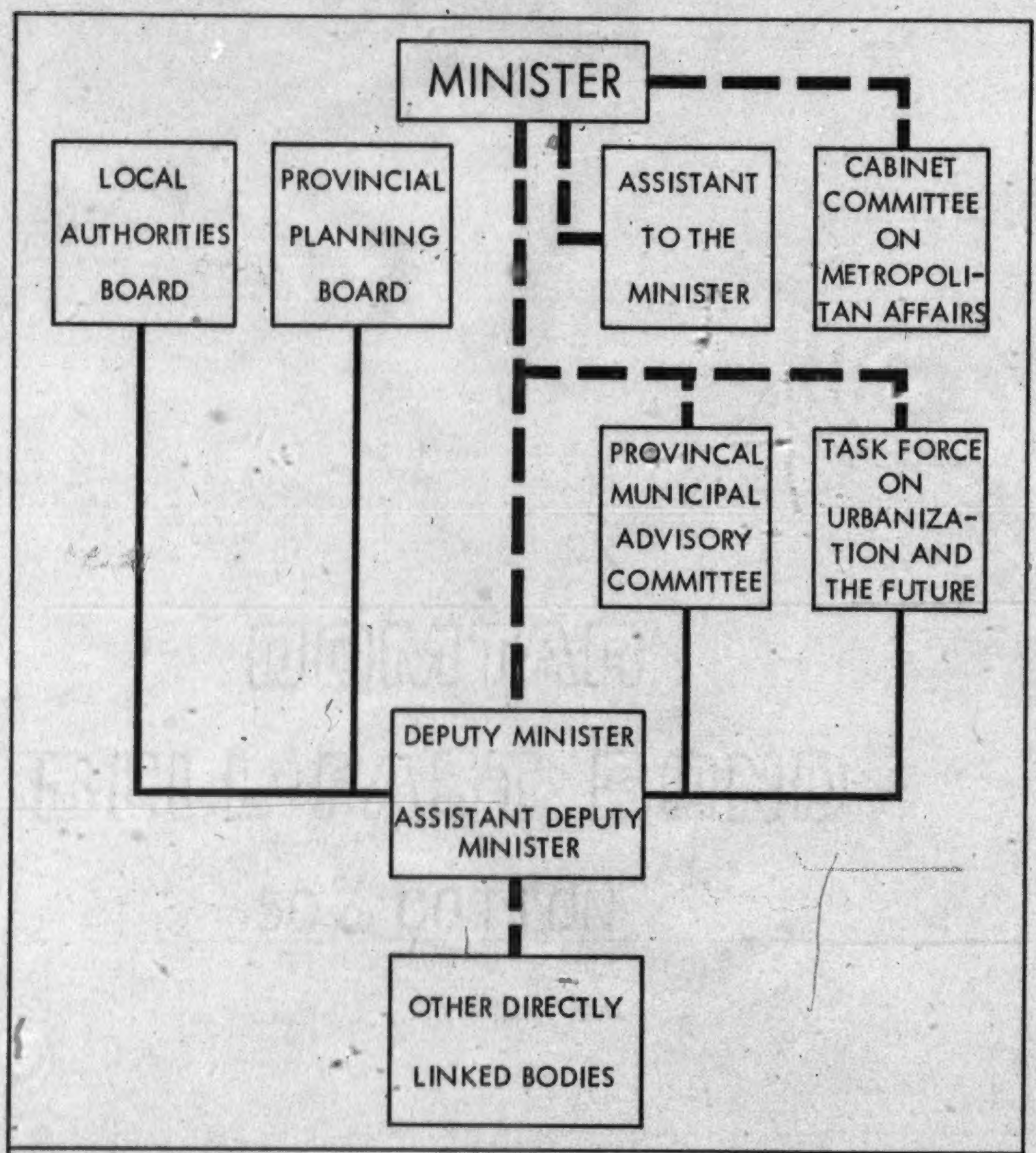
MINISTER
LOCAL AUTHORITIES BOARD
PROVINCIAL PLANNING BOARD
ASSISTANT TO THE MINISTER
CABINET COMMITTEE ON METROPOLITAN AFFAIRS
PROVINCAL MUNICIPAL ADVISORY COMMITTEE
TASK FORCE ON URBANIZATION AND THE FUTURE
DEPUTY MINISTER
ASSISTANT DEPUTY MINISTER
OTHER DIRECTLY LINKED BODIES

FIGURE 9
ORGANIZATION OF THE DEPARTMENT OF MUNICIPAL AFFAIRS

LEGEND

▬ ▬ DIRECT LINE OF RESPONSIBILITY

── PROVISION OF ACCOUNTING SERVICES ONLY

SOURCE:
MUNICIPAL AFFAIRS, DEPT. OF, INFORMATION BRIEF "B".

administrative functions which are also established in the Statutes.[76]

Powers of the Board

Under the Local Authorities Board Act the Board has numerous powers other than annexation and amalgamation. It has the power to

> ... inquire into the merit of any application of a local authority for permission to raise money by way of debenture or upon the security of stock, ... to supervise the expenditure of moneys borrowed by a local authority ..., to deal with the financial affairs of local authorities ..., to grant permission for the extension of the time for repaying the indebtedness incurred by a local authority for the costs of its public works ..., to separate land from an urban municipality ..., to order compromises of tax arrears ..., and to deal with plans of subdivision.[77]

The powers of annexation and amalgamation are transferred by the provision in the Local Authorities Board Act that states that

> ... the Board has all necessary jurisdiction and powers to perform such duties as are from time to time assigned to it by statute or pursuant to statutory authority.[78]

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[76] Province of Alberta, Local Authorities Board Act, Sec. 13.

[77] Province of Alberta, Local Authorities Board Act, Sec. 27 (1).

[78] Province of Alberta, Local Authorities Board Act, Sec. 27 (2).

The power is transferred to the Board by the Municipal Government Act, Section 27 (2).

The powers of amalgamation and annexation are thus only part of the responsibilities of the Board. But since amalgamation and annexation applications are largely argued in financial terms and since the Board deals with the finances of local authorities, it is reasonable to find these functions and powers combined.

The Quasi-Judicial Nature of the Board

The Board may be considered to be a quasi-judicial body in that Section 30 of the Local Authorities Board Act gives it "... all such powers, rights, privileges and immunities as are vested in the Supreme Court of Alberta."[79] It is also quasi-judicial in the sense that laymen are employed in performing the judicial powers of the Board.[80] This power is given to the Board for a practical reason. If it did not have these significant powers, virtually every contested annexation could be appealed, causing a loss in efficiency and creating further stumbling blocks to the amalgamation and annexation process.[81] This, however, would appear to compromise natural justice and due process of the law. This weakness is further emphasized by the fact that

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[79] Province of Alberta, Local Authorities Board Act, Sec. 30.

[80] Pers. comm., I. Morris, Edmonton.

> ... every decision or order of the Board is final and no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceeding in any court.[82]

Appeal is only possible "... upon a question of jurisdiction or upon a question of law and goes to the appellate division of the Supreme Court."[83] Partial appeal is possible if a decision of the Board has placed financial hardship on any municipality, improvement district or special area. In this case the Lieutenant Governor in Council is asked to remove the hardship.[84]

Procedure and the Powers of Boundary Extension

An annexation or amalgamation is initiated by a petition to the Local Authorities Board. It may be presented by

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[81] Pers. comm., I. Morris, Edmonton.

[82] Alberta, Province of, Municipal Government Act, Sec. 20 (6).

[83] Alberta, Province of, Local Authorities Board Act, Sec. 61 (1).

[84] Alberta, Province of, Municipal Government Act, Sec. 20 (6).

> ... a majority of the registered owners of any territory in or immediately adjoining the municipality, or by the council of a municipality with respect to any territory in or immediately adjoining the municipality or by the Minister with respect to territory forming the whole or any part of an improvement district or special area that he desires to have annexed to a municipality.[85]

There are two types of application forms, one for the application by a council of a municipality and the other for an application by the registered land owners.[86] Each has various requirements that must be met before the application becomes official. Included in these requirements is a petition for the annexation by the majority of the registered land owners giving either conditional or unconditional consent. If an unanimous conditional or unconditional consent is not obtained then the Board will hold a public hearing.[87]

After the termination of the public hearing, the Board will issue a Board Order which contains the decision of the Board and conditions which spell out agreements, tax revenue, transfers and so on. The order becomes enforced by its registration with a sheriff in any judicial district. The order may annex territory

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[85] Ibid., Sec. 20 (1).

[86] Local Authorities Board, m_meo. See Appendices 1 and 2.

[87] Loc. cit.

> ... from a municipality to an improvement district, special area or other municipality immediately adjoining thereto, or from an improvement district or special area to a municipality immediately adjoining thereto.[88]

Unique in Canada is the power given to the Board and which may be effected by order, where the Board may

> ... without petition and of its own motion by order and after notice, annex territory from a municipality to an improvement district, special area or another municipality immediately adjoining thereto, or from an improvement district or special area to a municipality immediately adjoining thereto.[89]

As well as the above mentioned powers the statutes state that the order also include

> ... such terms and conditions as to the Board seem proper and in particular, the order may contain directions that the annexed territory be or not be subject to debentures already issued by the municipality, with respect to the area annexed or the rate levied to meet those debentures, contain directions that the annexing municipality, improvement district or special area assess the land in the territory upon any basis or principle of assessment that seems proper to the Board and if the order contains directions, the municipality, improvement district or special area shall comply with the directions for the fixed term of years specified

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[88] Province of Alberta, Municipal Government Act, Sec. 20 (1).

[89] Ibid., Sec. 20 (2).

> in the order, fix a minimum rate of taxation for the land in the territory and if the maximum rate of taxation is set, that rate shall be for the fixed term of years specified in the order, and deal with and make any order respecting any bylaw for the protection of any rights of any person in the annexed area.[90]

It is in this last mentioned section that the statute deals with the effects of annexation that have been mentioned previously. In Section 21, the question of the franchise is resolved where no order, "... affects or abrogates any existing contract ..." that deals with public services.[91] With regard to employment contract changes, the statute states that the council of the annexed territory ceases to have jurisdiction, power, duty or function when the annexation becomes official. The statute also transfers all the property, rights, and liabilities, including taxes due to the annexed area to the annexor. Any question arising out of the apportionment of property, rights and liabilities may be decided by the Board in the order without appeal to the Minister. A final provision states that nothing in the Act prejudices the right of debenture holders.

If there is no hearing held in cases of agreement of all parties concerned, notice of the proposal is still given. In essence the hearing is held by mail. There is no difference in procedure or law, except that notice of the hearing is not necessary.

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[90] Ibid., Sec. 20 (3).

[91] Ibid., Sec. 21.

Upon the issuance of an order it is published in the Alberta Gazette and it becomes effective on the date of the order or, if this is lacking, on the date of its publication in the Alberta Gazette.

Amalgamations and annexations in Alberta are determined by a combination of quasi-legislative and quasi-judicial methods as described by Sengstock. Inherent in these methods are a number of strengths and weaknesses, although these may not appear in all situations. A weakness that appears in this form of determination which is not discussed by Sengstock is the compromise of natural justice and due process, and this would appear to be a major weakness from the point of view of the values of individual rights in a democratic process.

The enabling legislation, in Alberta, has been drawn up in a reasonably clear and concise manner, and is apparently not too cumbersome to deal with. As a result, the process of annexation and amalgamation has seldom been subject to "... lengthy and frivolous litigation on statutory construction."[92] However, the process has not been immune to other forms of legal difficulties and this has resulted in some legal battles.

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[92] National League of Cities, op. cit., p. 66.

Perhaps the most significant aspect of the Municipal Government Act, with regard to boundary changes, is the absence of the requirement of a majority vote of the landowners or electorate of the annexee unless it applies for the extension. This obviously reduces the power of the peripheral communities in stifling boundary extension proposals. However, that is not to say that obstruction will not materialize.

In making decisions on boundary extensions in Alberta, the Local Authorities Board has, by virtue of the previous discussion, an influence on the physical growth and the political organization and reorganization of the metropolitan areas of Alberta. The remainder of the thesis will be concerned with these effects on the Calgary and Edmonton metropolitan areas, being the two largest centers in Alberta.

CHAPTER 3

PHYSICAL AND POLITICAL DEVELOPMENT OF CALGARY AND EDMONTON

HISTORICAL PERSPECTIVE

Calgary and Edmonton are relatively new cities, having been incorporated as towns in 1884 and 1892 and as cities in 1894 and 1904 respectively. At the time of incorporation the City of Calgary had an area of about 2.2 square miles and a population of about four thousand people, while the City of Edmonton had an area of 8.9 square miles and a population of seven thousand people.[1]

Soon after incorporation both cities annexed large areas of land. Calgary completed annexations in 1907,

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[1] Calgary, City of, Manual; The City of Calgary. The City Clerk, 1972, pp. 130, 142.

Calgary, City of, Metropolitan Calgary Population: Historical Review, 1946 - 1970. Calgary Planning Department, 1970, p. 6.

E. Dale, The Role of Successive Town and City Councils in the Evolution of Edmonton, Alberta, 1892 - 1966. Ph. D. Thesis, Department of Geography, University of Alberta, 1969, p. 556.

Edmonton, City Council of, A Statement on The Future of This City. City of Edmonton, 1973, p. 13.

1910 and 1911, while Edmonton completed seven annexations and one amalgamation (the City of Strathcona, 1911) in the period from 1904 to 1917 (Figures 10 and 11).[2] The resultant political areas of the City of Calgary and the City of Edmonton became 40.5 and 41.1 square miles respectively.[3] Most of these annexations, and especially those in the period from 1908 to 1914, may be attributed to a land boom at that time. When the boom collapsed, however, both cities were markedly overbounded and no more annexations were attempted until the post-Second World War period.[4]

By 1946 both cities had grown significantly. Calgary then had a population of 101,000 and Edmonton, 115,000, and development again began to impinge on the established boundaries. Moreover both cities were about to enter their most dramatic growth phases, with annual increments of ten to fifteen thousand people rather than

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[2] Edmonton, City of, History of Annexations - City of Edmonton. City of Edmonton Planning Department, map, 1972.
Calgary, City of, (1970) op. cit., p. 6.

[3] Alberta, Province of, Royal Commission of the Metropolitan Development of Calgary and Edmonton. (McNally Commission), Queens Printer, Edmonton, 1956, Chapter 4, p. 16.
Calgary, City of, (1970), op. cit., p. 6.
Edmonton, City of, (1973), op. cit., p. 13.

[4] P.J. Smith, "Changing Forms and Patterns in the Cities" in P.J. Smith (Ed.) The Prairie Provinces, University of Toronto Press, 1972, p. 101.

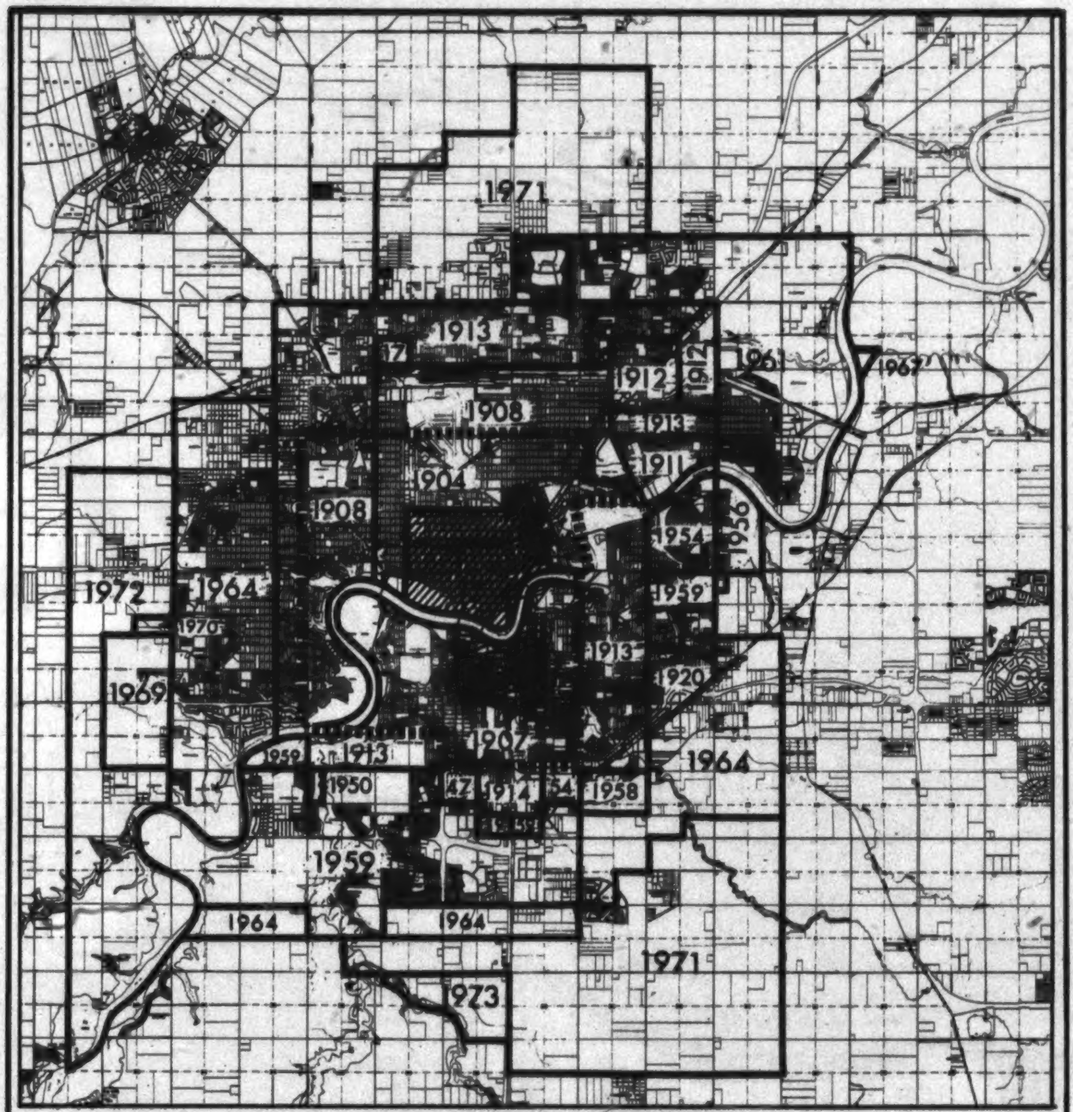
1971
1913
17
1912
1912
1961
1967
1908
1913
1904
1911
1908
1954
1956
1972
1964
1959
1970
1913
1969
1920
1959
1913
1907
1964
1950
47
1914
54
1958
1959
1964
1964
1971
1973

FIGURE 10

CITY OF EDMONTON
HISTORY OF ANNEXATION
AND AMALGAMATION

▨ EDMONTON (1892)

≈ STRATHCONA (1899)

▪▪▪▪▪▪▪▪▪▪ AMALGAMATION (1911)

— MUNICIPAL BOUNDARIES

SCALE: 0 1 2 3

SOURCE: CITY OF EDMONTON

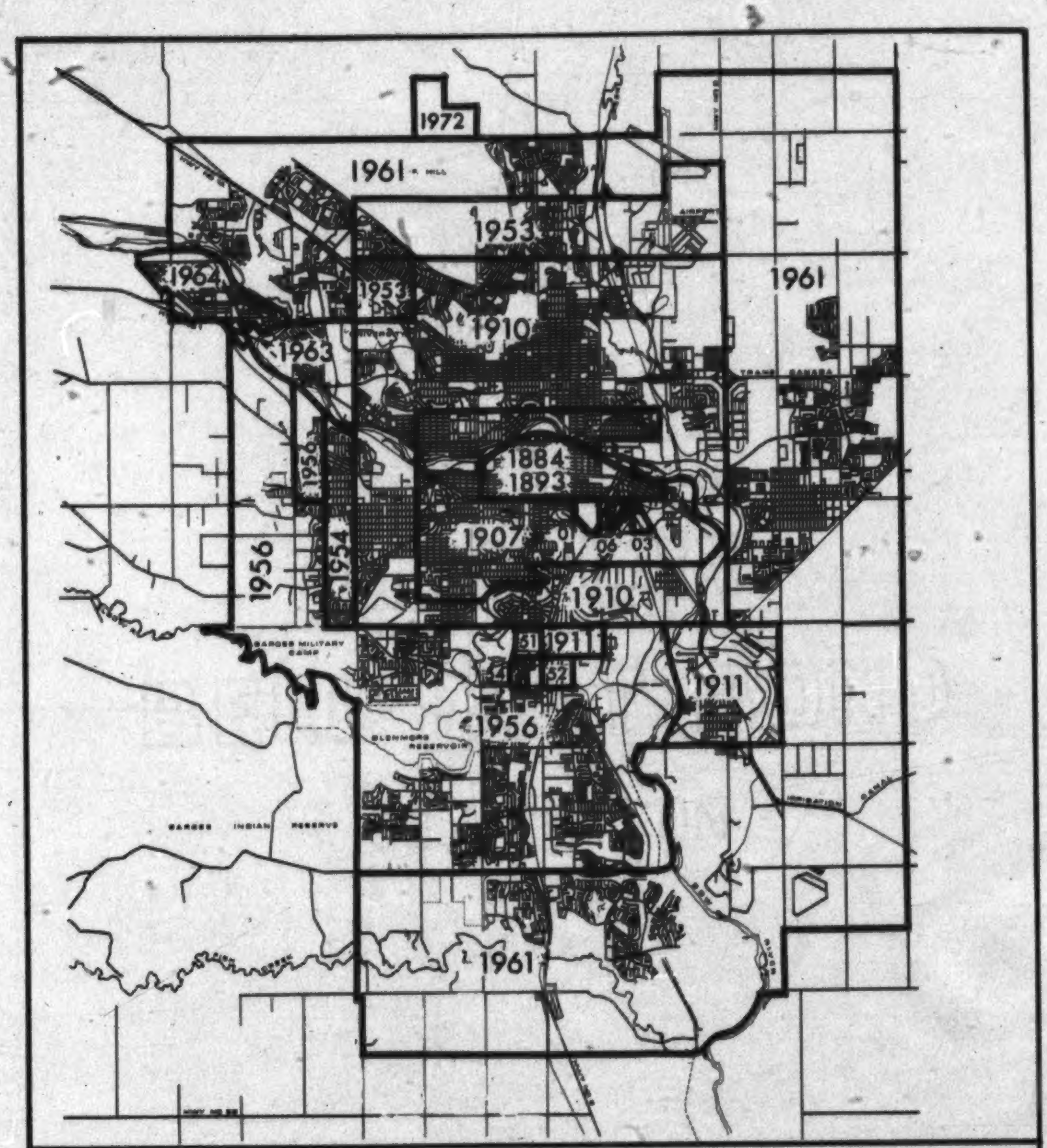
1972
1961
1953
1962
1953
1910
1963
1956
1884
1893
1907
1956
1954
01
06
03
1910
1961
TRANS CANADA
SARCEE MILITARY CAMP
1911
51
52
1911
1956
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
1961
AIRPORT

FIGURE 11

CITY OF CALGARY (1973 Base)

HISTORY OF ANNEXATION

AND AMALGAMATION

——— MUNICIPAL BOUNDARIES

0 1 2
MILES

SOURCE: CITY OF CALGARY

the two or three thousand of earlier years.[5] This trend has continued in Calgary to 1973, while in Edmonton there has been a significant decline in population increase over the period from 1970 to 1973. In the latter year the respective populations of the City of Calgary and the City of Edmonton were 426,000 and 441,000.

Growth in the Calgary and Edmonton areas has not been limited to the cities, although this has been the dominant trend.[6] At a very early stage peripheral developments in the form of unincorporated suburbs, scattered housing and incorporated places appeared on the fringes. In the Calgary area the suburb of Bowness was laid out in 1911 while other developments such as the hamlets of Albert Park, Ogden, Forest Lawn and suburbs such as Manchester, Montgomery, Glenmore, Ceepear and Meadowlark Park also appeared at an early stage. By 1956, Bowness and Forest Lawn (an amalgamation of Albert Park and Forest Lawn) had become towns and Montgomery had become a hamlet (Figure 12).[7]

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[5] Calgary, City of, (1970), op. cit., p. 2.
E. Dale, op. cit., p. 556.
Edmonton, City of, (1973), op. cit., pp. 36 - 37.

[6] Smith, op. cit., p. 101.

[7] Alberta, Royal Comm. op. cit., Chpt. 3, pp. 1 - 30.

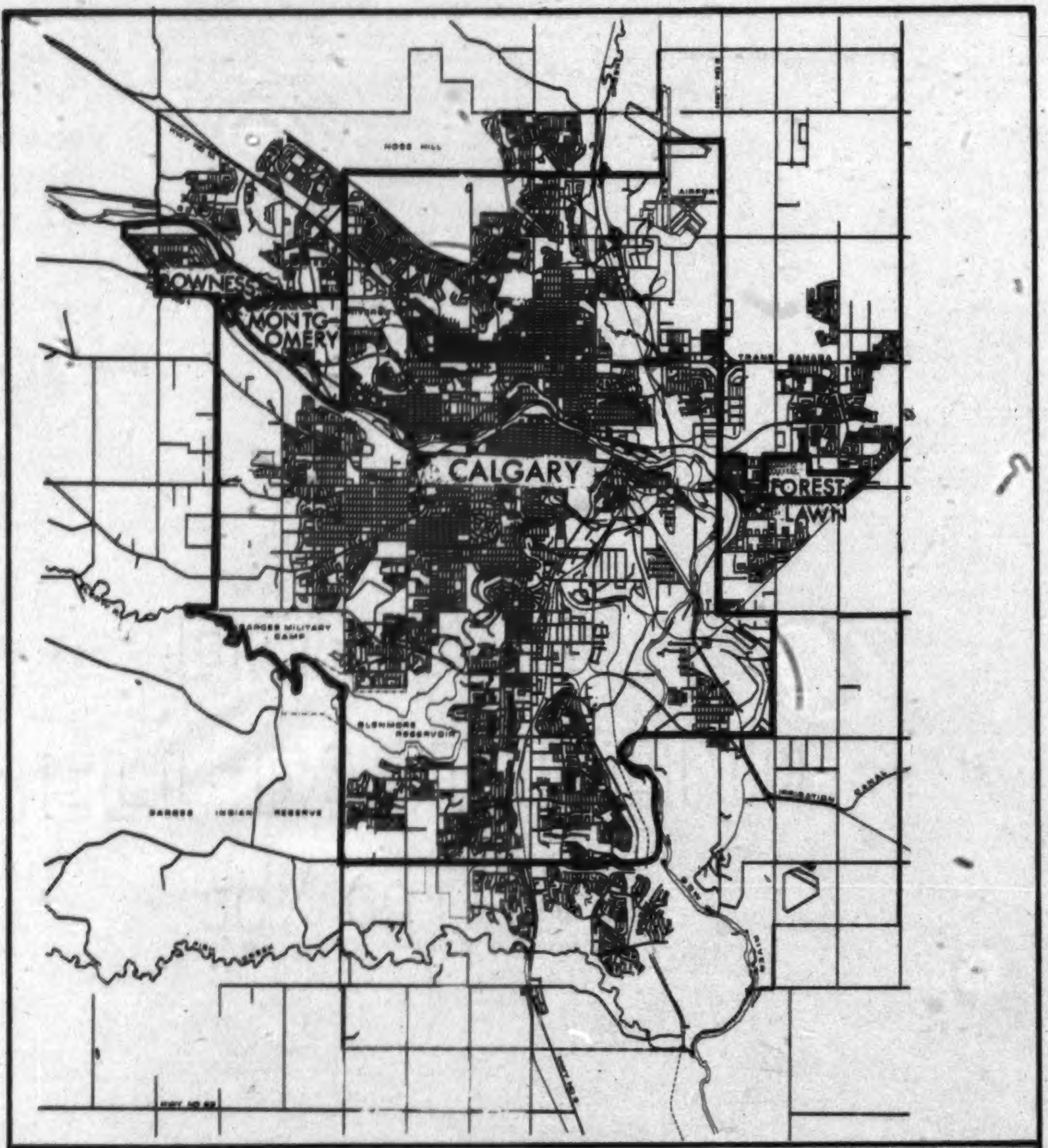
NOSE HILL
AIRPORT
BOWNESS
MONTG-OMERY
TRANS CANADA
CALGARY
FOREST LAWN
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER

FIGURE 12

THE CALGARY AREA (1973 Base)
1956

——— Municipal Boundaries

SCALE: 0 1 2 Miles

SOURCE: CITY OF CALGARY

In Edmonton there were similar developments on the periphery of the City. Beverly, a coal mining town, already existed in 1913. Jasper Place developed in the depression as a result of the search for lower living costs and lower taxes. In 1950 the suburb of Jasper Place became a village and later in the same year it became a town. St. Albert was present at the time of the incorporation of the City of Edmonton.[8] As well, there were a number of smaller suburban developments such as Strathcona Heights, Pleasantview and Campbelltown Heights (Sherwood Park) (see Figure 13).

St. Albert was initially an institutional and missionary center (1861) which never developed fully as a market town due to its proximity to Edmonton.[9] In 1973 it had very little industry (five percent of its total assessment is industrial) and had become a dormitory center of Edmonton.[10]

Sherwood Park is a relatively new suburban development of Edmonton having been designated by the Edmonton Regional Planning Commission as a satellite of Edmonton and

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[8] Ibid., Chpt. 3, pp. 31-47.

[9] Marlyn, F. and H.N. Lash, "The Edmonton District A City-Centered Multiple Resource Region," in R.R. Kreuger, F.O. Sargent, A. de Vos and N. Pearson (Eds.), Regional and Resource Planning In Canada, Holt, Rinehard and Winston at Canada, Toronto, 1963, p. 70.

[10] Pers. comm., Mayor Gibbon, St. Albert.

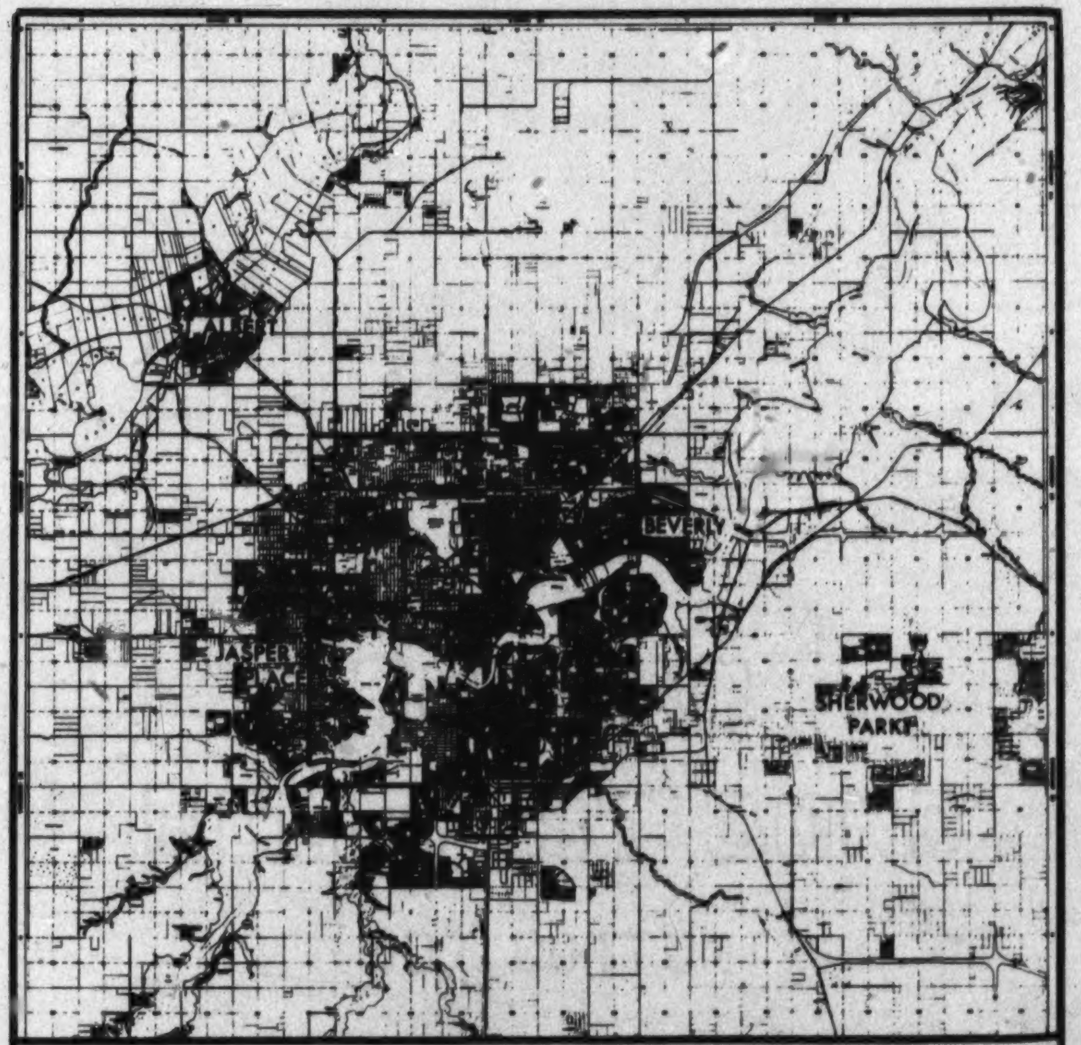
ST. ALBERT
BEVERLY
JASPER PLACE
SHERWOOD PARK

FIGURE 13

EDMONTON: 1950 (1973 Base)

MUNICIPAL BOUNDARIES ———

SCALE: 0 1 2 Miles

SOURCE: EDMONTON REGIONAL PLANNING COMMISSION a labour pool for the Strathcona industries (1951).[11] It is a prime example of a dormitory satellite, since it is an unincorporated residential community with no industry and little local employment.

Fort Saskatchewan started in 1794 as a fur trading post, but its main historic role was as an agricultural service center.[12] Then, in 1952, Sheritt Gordon chose to locate its nickle refinery at the townsite. Later, in 1961, other industrial concerns located there too, resulting in a transformation of the agricultural center to an industrial satellite of Edmonton.

Aside from these large centers and the minor peripheral developments mentioned, there are a number of other towns, villages and hamlets within commuting distances of both Calgary and Edmonton.[13] Some of these are slowly developing into dormitory satellites. In the Calgary area, Cochrane is slowly servicing land and has constructed a small residential subdivision (Plate 1). In the Edmonton area, Leduc, Devon, Stony Plain, Morinville and Spruce Grove have started extensive subdivision development (Plates 2 and 3). These towns are all located on major transportation routes into the city and are thus amenable to dormitory development. They have been identified as 'corridor communities' by the A.H.U.R.C.[14]

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[11] Strathcona, County of, Sherwood Park 2001. Edmonton, n.d., no pagination.

[12] P.J. Smith, "Fort Saskatchewan: An Industrial Satellite of Edmonton", in L.O. Gertler (ed.), Planning The Canadian Environment. Harvest House, Montreal, 1968, p. 250.

[13] Alberta Housing and Urban Renewal Corporation, Satellite Community Study. A.H.U.R.C., 1969. p. 10. One hour is considered by the Corporation as being the maximum acceptable commuting time.

Calgary and Edmonton have had a number of developments locate on or beyond the boundaries of the two cities. A major difference between Calgary and Edmonton in this respect is that Calgary has no nearby peripheral communities thereby making it difficult for the region to develop a strong satellite community growth pattern. On the other hand, Edmonton having a number of close peripheral communities, has become the center of a satellite growth pattern which has developed over a number of years. As has been previously mentioned, the existence of peripheral jurisdiction in close proximity can greatly affect the growth pattern of a central city both from the political and the physical point of view, and this factor in part accounts for the growth differences between Calgary and Edmonton that will be discussed later.

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[14] A.H.U.R.C., op. cit., p. 116.

Plate 1. A New Subdivision In Cochrane

Plate 2. Subdivision in Leduc

Plate 3. Subdivision in Stony Plain

Plate 4. Hill and Valley Terrain in Calgary

POPULATION MIGRATION

The fact that there are a number of actual and potential satellite communities in the Edmonton area and few in Calgary is reflected in the population statistics for the two centers. Edmonton has been typical of the metropolis described in Chapter One with regard to the centrifugal movement of the population in response to positive and negative externalities.

In the period from 1951 to 1961 the population in the Edmonton metropolitan area grew by 88.4 percent, while Edmonton city grew by 69.3 percent and the suburban areas by 309.5 percent; the latter accounted for 27.8 percent of the total population increase for the area.[15] Likewise, during the same period the Calgary metropolitan area grew by 97.3 percent, whereas the city grew by 66.2 percent and the suburbs by 478.2 percent. The latter was 37.1 percent of the total increase. During that period it was obvious that there was a trend to peripheral migration in both centers. In Edmonton it has continued; the city has a decreasing proportion of the total metropolitan population, and of the growth in population (Tables 3 and 4).

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[15] Y. Kasahara, "A Profile of Canada's Metropolitan Centers" in R.M. Irving (ed.) Readings in Canadian Geography, Holt, Rhinehart and Winston of Canada Ltd., Toronto, 1968, p. 182.

TABLE 3

POPULATION IN THE EDMONTON AREA: SELECTED COMMUNITIES

Municipality	1967 Persons	1967 % Total	1971 Persons	1971 % Total	1973 Persons	1973 % Total
Ft. Sask.	4,277	1.0	5,734	1.2	6,756	1.3
Leduc	3,029	.7	4,070	.8	5,271	1.1
St. Albert	9,828	2.4	11,249	2.3	15,088	3.0
Spruce Grove	640	.2	2,706	.6	4,256	.8
Strathcona	16,185	3.9	21,894	4.6	33,617	6.6
Edmonton	381,230	91.8	435,503	90.5	441,530	87.2
Total	415,189	100.	481,156	100.	506,518	100.

Source:

Edmonton, City of, A Statement On The Future of This City, City Council, 1973. p. 37.

TABLE 4

ANNUAL POPULATION GROWTH IN THE EDMONTON AREA:

SELECTED MUNICIPALITIES 1969 TO 1973

Municipality	1969-70 Persons	 % Total	1970-71 Persons	 % Total	1971-73 (average) Persons	 % Total
Ft. Sask.	341	2.3	432	2.1	511	3.6
Leduc	448	3.0	291	1.4	601	4.1
St. Albert	339	2.2	719	3.5	1,919	13.5
Spruce Grove	387	2.6	1,596	7.8	775	5.5
Strathcona	1,230	8.2	4,479	21.7	5,861	41.3
Edmonton	12,313	81.7	13,085	63.5	4,513	31.9
Total	15,058	100.	20,602	100.0	14,180	100.

Source:

Edmonton, City of, A Statement On The Future of This City, City Council, 1973. p. 37.

It is obvious that some of the population and the potential population of the City of Edmonton is migrating to the peripheral communities. This trend was climaxed in 1973 when the City grew by 835 persons (.11 percent), while the peripheral communities grew by more than 9,000.[16]

Although the centrifugal forces mentioned in Chapter One are of relevance, it appears that the migration is caused largely by the shortage of serviced land for housing and the related high cost of land and housing in the City in recent years.[17] This is now being somewhat ameliorated by developments like Mill Woods and Castle Downs.

A similar migration trend was evident in Calgary prior to 1961, but it disappeared when the destinations of the migrants were amalgamated with Calgary in 1961, 1963 and 1964. In the period from 1961 to 1969, Calgary proper grew by forty-eight percent, while the peripheral towns grew by eight percent and the villages by twenty-eight percent (Table 5). Comparing this with Edmonton it is obvious that this was a period of change for Calgary. Calgary has since then not been losing population to its peripheral communities to the degree that Edmonton has. This is a direct result of the amalgamation of peripheral communities by

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[16] Edmonton Journal, February 1, 1974, p. 1.

[17] A.H.U.R.C., op. cit., p. 2.
Edmonton Journal, February 4, 1974, p. 70.

TABLE 5

GROWTH IN POPULATION OF CALGARY AND EDMONTON AND SURROUNDING MUNICIPALITIES 1961-69

	Average Population Increase
Edmonton Area	
Cities*	32%
Towns	33%
Villages	20%
Calgary Area	
Cities	48%
Towns	8%
Villages	20%

*This includes Wetaskiwin

Source:

Alberta Housing and Urban Renewal Corporation, Satellite Community Study. A.H.U.R.C., 1969. p. 10. One hour is considered by the Corporation as being the maximum acceptable commuting time.

Calgary. This is supported by Table 6 which shows the high rate of population increase in Bowness, Forest Lawn and Montgomery before amalgamation. In 1969 only a small percentage of the population increase occurred in the suburbs.

> The two central cities have increased their population almost equally, whereas the smaller centers have had substantially greater percentage of growth in the vicinity of Edmonton that [sic] around Calgary.[18]

The A.H.U.R.C. attributes this to the differing annexation policies of the two cities. In actuality, as shall be shown, the annexation policies of the cities were essentially the same, but they were received differently by the peripheral areas and the Local Authorities Board.

PHYSICAL GROWTH

The physical growth patterns of Calgary and Edmonton have been characteristic of those of prairie cities generally:

> The typical pattern is for new building to be channeled into development corridors along which it advances rapidly. When further progress along these corridors is barred by a major constraint in all probability the focus will shift to another development area in another part of the city, forcing back

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[18] A.H.U.R.C., op. cit., p. 2.

TABLE 6

POPULATION GROWTH IN THE CALGARY AREA 1951-1961

Municipality	1951	1956	1961	% Overall	1969
Calgary	129,060	181,780	249,641	85	97%
Bowness	2,922	6,217	9,184		
Montgomery	1,390	4,650	5,077	15	
Forest Lawn	1,079	3,150	12,263		3%
Others	-	-	-		

Source:

Calgary, City of, *Manual; The City of Calgary*. The City Clerk, 1972, p. 142.

> an earlier barrier which now seems less of an obstacle.[19]

From Figures 14 and 15, it is apparent that growth at specific intervals has occurred much in the manner described by Mayer and Doxiadis. That is, it has followed the most favorable, least resistant channels, not however as was suggested, in annular accretions but in intermittent sectoral additions.

The principal controls may be identified in shaping the growth patterns of the two cities. One is the control introduced by the supply of public utilities such as water and sewerage, streets and railways, while the other to a lesser degree has been the attraction of superior residential development to valley terrain.[20]

In Calgary valley and hill terrain has played an obvious role in shaping the urban form (Plate 4). First it has presented the high amenity areas along the Elbow River and on the river terraces of the Bow River, especially to the north-west where broad vistas to the mountains are present (Plates 5 and 6). The river valleys have also provided corridors of development to the south and to the north-east. The supply of utilities, especially water, to high terrain was difficult and costly and thus

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[19] Smith (1972) op. cit., p. 99.

[20] Ibid., pp. 100 - 101.

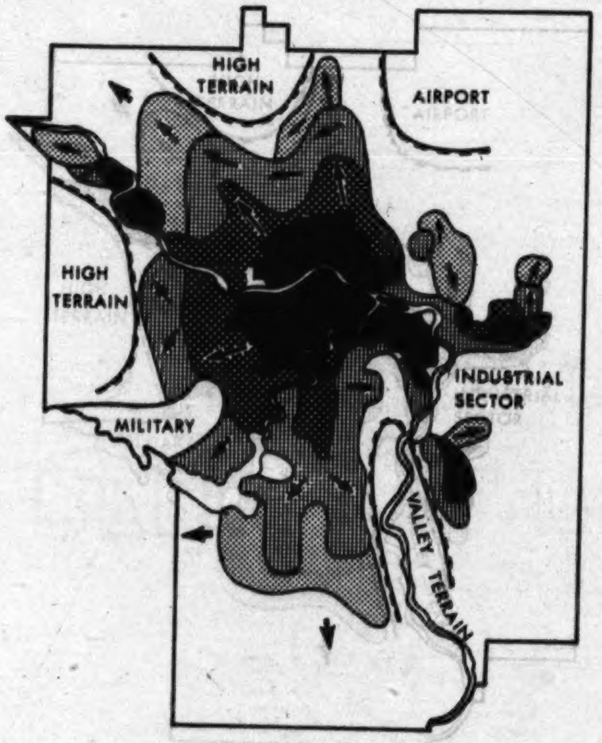
HIGH TERRAIN
AIRPORT
HIGH TERRAIN
INDUSTRIAL SECTOR
MILITARY
VALLEY TERRAIN

FIGURE 14
THE PHYSICAL GROWTH OF THE CITY OF CALGARY TO 1971

0 2 4 Miles

LEGEND

- ■ BUILT-UP AREA 1945
- ▩ GROWTH 1945-55
- ▦ GROWTH 1955-61
- ▨ GROWTH 1961-71
- ➔ PROSPECTIVE GROWTH
- → DIRECTION OF GROWTH
- ⌒ PRESENT DEVELOPMENT BARRIERS
- — CITY BOUNDARY 1973

SOURCE: Smith, op. cit., p.99.

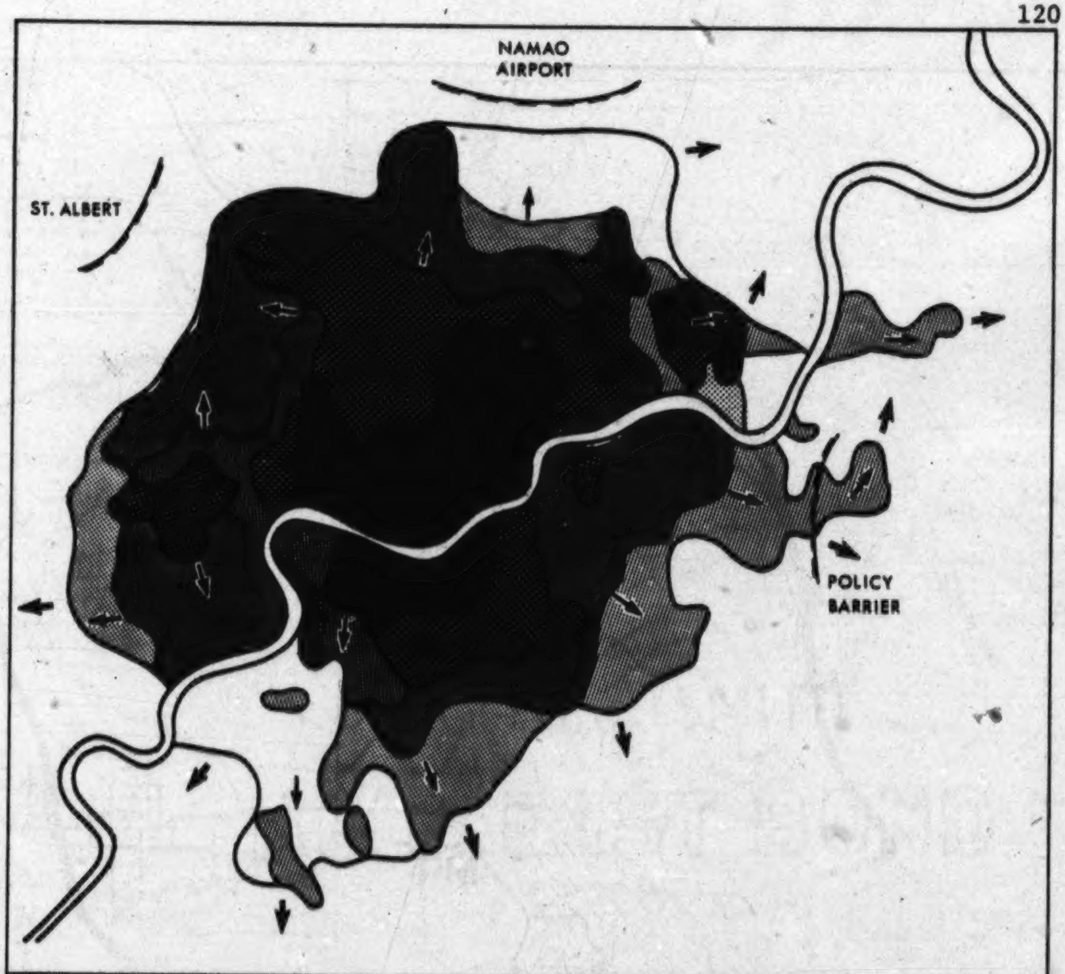

FIGURE 15
THE PHYSICAL GROWTH OF THE CITY OF EDMONTON TO 1971

LEGEND

■ BUILT-UP AREA 1941
▩ GROWTH 1941-47
▨ GROWTH 1947-51
■ GROWTH 1951-61
▒ GROWTH 1961-65
□ GROWTH 1965-71

➔ PROSPECTIVE GROWTH
→ DIRECTION OF GROWTH
⌒ PRESENT DEVELOPMENT BARRIERS

0 2 4 Miles

SOURCE: Derived from L.A.B. files, City of Edmonton, L.D. McCaan, Changing Morphology of Residential Areas in Transition, Ph.d. Thesis, Dept. of Geography, University of Alberta, 1972, 230pp.

Plate 5. Development of Bow River Flood Plain and Terrace

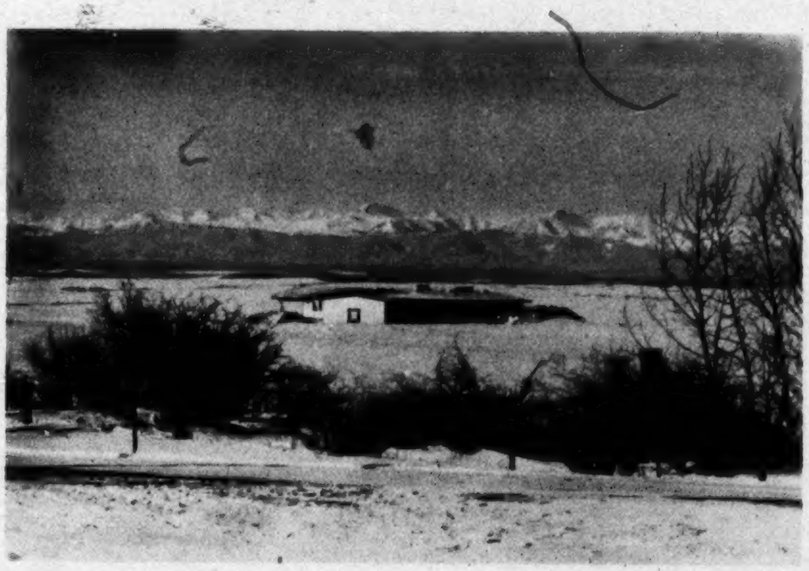

Plate 6. View of a Country Residential Parcel In Western Calgary

Plate 7. Housing Along the North Saskatchewan River Valley

development was channeled in the river valleys and on the river terraces of somewhat higher elevation.

Transportation routes, also largely affected by the undulating terrain, have had a large effect on the growth pattern of the City. Most of the industrial development has located along railway lines and spurs in the south-east sector of the city and in the Bow River Valley (Plate 7). As well, residential development was radiated out along major highways. To the south, Highway 2 (McLeod Trail) has a great deal of residential development associated with it. Likewise 1A west is the main artery in the western development corridor, serving new developments such as Silver Springs. Montgomery and Bowness are found along the Trans Canada Highway 1 west, a little to the south of Highway 1A west. The terrain has thus acted both as barrier and as an attraction to development. Other barriers that have either stopped or redirected development are the industrial area to the south-east (a barrier to residential development), the Calgary International Airport and a drainage divide to the north-east, the military base and the Sarcee Indian Reserve to the southwest, Glenmore Reservoir acting both as a barrier and a magnet for development, the Spy Hill Penitentiary to the north-west and the Fish Creek area which will require a high economic input into sewerage due to environmental positions taken by the Province of

Alberta.[21]

The breeching of river valleys has played a minor but relevant role in the development of both Calgary and Edmonton. Prior to the construction of a given bridge an area may be relatively inaccessible and thus not prone to rapid and intensive development. In both cities, early growth tended to cluster around existing bridges in the eastern and central portions of the contemporary cities. Extensive development of the western areas did not occur until the needed bridges were constructed. In Edmonton this is evident in the construction of the Groat Road Bridge and the Quesnel Bridge in the mid 1950's and late 1960's respectively, increasing the accessibility of the south-west and north-west areas.

Edmonton, being located on relatively flat terrain, has not had the same servicing difficulties as Calgary. However, the City is reaching the limits of the gravity sewer system in some areas, where the lines are coming too close to the surface of the land. As well there is a high terrain area (drainage boundary) to the north-west which may act as a physical barrier to expansion, by making sewer facilities too costly to build.[22]

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[21] Pers. comm. E.C. Brown, Calgary City Planning Department, March 7, 1974, Calgary.

The deep and wide North Saskatchewan River valley has attracted superior housing along the crest of the valley and has thereby, in part, caused the physical growth of the City in a fashion parallel to the River and its tributary ravines (Plate 8).[23]

Transportation routes have played a major role in physical development of Edmonton with regard to airports, railways and roadways.[24] This is very evident in the development of Jasper Place along Stony Plain Road (Highway 16 west) and Beverly along 118 Avenue (Highway 16 east). As well, growth has followed 124 Street, 82 (Whyte) Avenue, Highway 15, 104 Street (Highway 2 south) and 109 Street. It should also be noted that Sherwood Park and St. Albert are both located along major routes, Highway 2 north and Highway 14 respectively.

As in Calgary, industrial development has located along railway lines and spurs. The heaviest industry is located in the east and south-east and beyond the corporate

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[22] Bousfield, J.R., Submission to the Special Advisory Committee on the Power Commission Act, Community Planning Aspects. Edmonton 1968. pp. H12 - H13.

[23] J. Bland and H. Spence-Sales, A Report on the City of Edmonton Concerning the State of Physical Development and Administration under the Provisions of the Town Planning Act, 1929. City of Edmonton, 1949, p. 1.

[24] Loc. cit.

Plate 8. Industry in the Bow River Valley (South Eastern Calgary)

Plate 9. View From Mill Woods Toward the Argyl Road Industrial Belt (Edmonton)

boundaries of the City. It located there because there were no sites available in the city, because of existing rail lines, because of the presence of oil and gas pipelines and because of the nearby water supply.[25] As well, being low performance or polluting industries, they located down-stream and downwind. There are thus a number of industrial barriers to residential development in Edmonton unlike Calgary where industry is concentrated to the south-east.

A number of other factors have affected development in the Edmonton area. To the north the Municipal Airport and Griesbach barracks have directed development around them, while Namao Airport is presently acting as a significant barrier to further northern development.[26] Other barriers to development have been Jasper Place to the west, the University of Alberta farm to the south-west and the Town of Beverly on the east. As well, the Stony Plain Indian Reserve to the west may act as a barrier in the future. Likewise new proposals presently being considered may in the future create additional barriers to the growth of the city. For example, there may be a new town located between

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[25] Dale, op. cit., p. 296.
Letter from G.C. Docken, Gulf Oil, Nov. 9, 1974.

[26] Bland, op. cit., p. 214.

Fort Saskatchewan and the City with an industrial park between it and Namao Airport. There is also a proposal for a new town just east of the new Mill Woods development and one west of West Jasper Place. Likewise massive expansion of Sherwood Park is likely.[27]

Most of the mentioned barriers have been temporary in nature having directed development into corridors and over time have been breeched, in the manner suggested by Smith, by development or in the case of industry have been joined by compatible development. The most obvious example of this is the location of Mill Woods south of the light industrial corridor along Argyll Road (Plate 9).

In 1973 the only major physical barriers were Namao Airport, and the industrial developments to the north-east, north-west and south-east.

Policy Barriers

A number of policy barriers have also affected the physical growth of Edmonton. Sherwood Park and St. Albert are located to the south-east and north-west

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[27] Edmonton, City of, A Report on City Boundaries and a Unitary Form of Government. Edmonton, 1972, pp. 9 - 10.

Strathcona, County of, Sherwood Park 2001, Edmonton, no date, no pagination.

Pers. comm., D. O'Neil, City Planning Department, March 5, 1974. Edmonton.

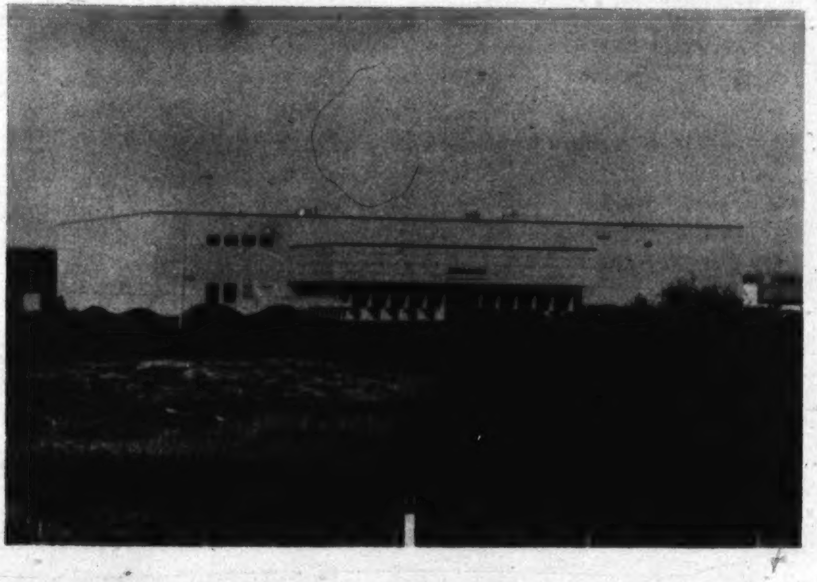

Plate 10. New Industry in Strathcona County

Plate 11. Country Residential Subdivision to the West of Calgary

respectively. Separating them from the City are two green belts which are implemented by the Edmonton Regional Planning Commission in support of a satellite community concept, thereby protecting the two developments from the city.[28]

There has been little growth of the City directed toward St. Albert, and no significant annexations have been made in that direction since 1913. It would seem that the preservation of the greenbelt and the separation of St. Albert are being honoured. However, there is a proposal in the general plan of the M.D. of Sturgeon for an industrial reserve area along the Northern Alberta Railroad right-of-way.[29] This would appear to be a violation of the greenbelt concept.

To the south-east physical growth of the City has terminated at the Strathcona industrial corridor even though the area has been subject to attempts at annexation by the City of Edmonton. In 1964, the City attempted annexation of the area but was rejected, the proposal being diverted to other areas in the south-east; in 1974, the outcome of the latest effort is still unknown. The lack of success has been due to the understandable objection from the County of Strathcona which would be losing a substantial tax base if the industrial area was lost to the City. It would appear that the greenbelt in the area acts only as a secondary deterrent, if at all. This is especially evident since the County of Strathcona has designated an industrial park in the area, which is now under construction (Plate 10).

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[28] Smith (1972), op. cit., p. 107.

[29] Edmonton, City of (1972), op. cit., p. 7.

Thus, physical growth in the City of Edmonton has been subject to both physical and policy barriers, the latter being affected by the peripheral municipalities. The presence of Sherwood Park, St. Albert, the Municipal District of Sturgeon, and the counties of Parkland and Strathcona have had a 'hemming in' effect on the City, especially the County of Strathcona.[30]

The physical outcome of these factors and those mentioned previously has been a compressed circular physical form of the City of Edmonton. The presence of the greenbelt to the north-west and the policy barrier to the south-east have caused the major development corridor to orient in a northeasterly-southwesterly direction, with some indication of a corridor heading due south.

Calgary, on the other hand, has developed a quasi-stellar pattern with three main development corridors. This may be attributed to the favorable opportunity for development along the valley floors and bench lands, and to the barriers in other directions. The main growth corridors are to the north-west, to the north-east and to the south. As well, Calgary has grown contiguous with all of its major peripheral developments, thereby creating one physical urban unit, quite unlike Edmonton.

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[30] Dale, op. cit., p. 296.

PHYSICAL-POLITICAL GROWTH

In 1941, Edmonton was largely overbounded with regard to contiguous urban land-uses, stemming from the annexation policies of years earlier during the land boom. However, from a metropolitan point of view the City was underbounded, since Jasper Place was developing on the periphery, and St. Albert, Beverly and many smaller developments were already located there (Figure 16). Likewise, Calgary was overbounded with regard to contiguous urban land-uses but overbounded from the metropolitan point of view since Montgomery, Bowness, Forest Lawn and other smaller developments were located on the periphery (Figure 17). This situation changed rapidly during the rapid growth of the late 1940's and 1950's. Both cities rapidly approached a state of total underboundedness; for example, in 1950, Edmonton had only a ten year supply of land for housing.[31] A number of minor annexations in 1953, 1954 and

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[31] Dale, op. cit., p. 295.

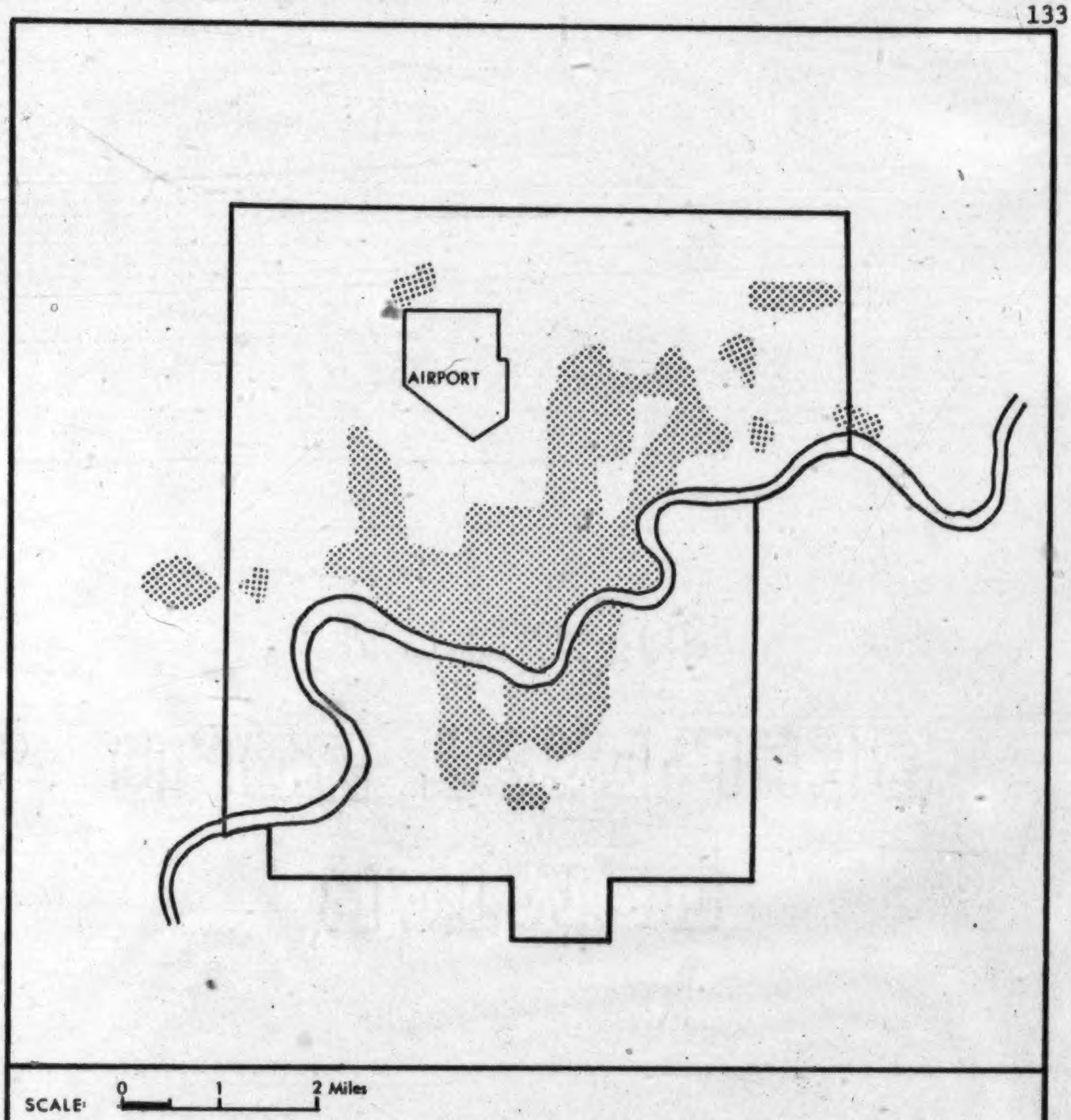
AIRPORT
SCALE
0
1
2 Miles

FIGURE 16

EDMONTON: 1941

— CITY BOUNDARY
▨ BUILT-UP AREA

SOURCE: Derived from L. McCaan,
Changing Morphology of Residential Areas in Transition.
Ph.D. Thesis, Dept. of Geography, University of Alberta, 1972

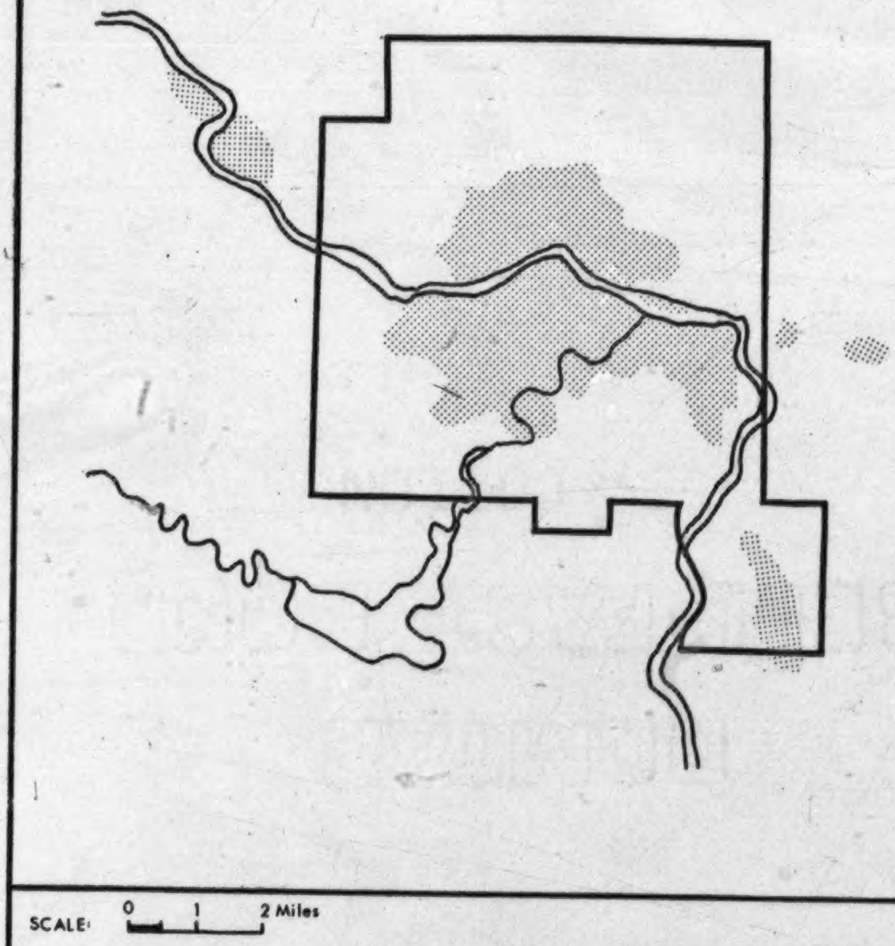
SCALE: 0 1 2 Miles

FIGURE 17

CALGARY: 1941

— CITY BOUNDARY

▨ BUILT-UP AREA

SOURCE: City of Calgary

1956 in Calgary, and in 1947, 1950, 1954, 1956 and 1958 in Edmonton provided little relief. They brought some small pockets of fringe developments into the cities but did not provide land reserves that could reduce their underboundedness. The major fringe communities were also left untouched, and enjoyed growth as rapid as that of the central cities.

In 1961 there was a turning point in the political-spatial growth of Calgary and Edmonton. Calgary succeeded in annexing 78.5 square miles of land to the north, east and south, thereby amalgamating with Forest Lawn and annexing a number of small peripheral developments such as the remaining portions of Ceepear and Ogden (Figure 18).

Edmonton similarly amalgamated with the Town of Beverly and annexed some surrounding territory with a total area of 11.1 square miles. Both decisions served to provide the cities with needed expansion space, but there was also a critical difference between them. Calgary was given all that it asked for but Edmonton was deprived of the heart of its application - the Strathcona industrial corridor. This difference in treatment was to be magnified in the following years, and was to contribute to important difference in form of the two cities.

In 1963 and 1964 Calgary amalgamated with Montgomery and Bowness respectively and thereby ended its state of metropolitan underboundedness. At this stage

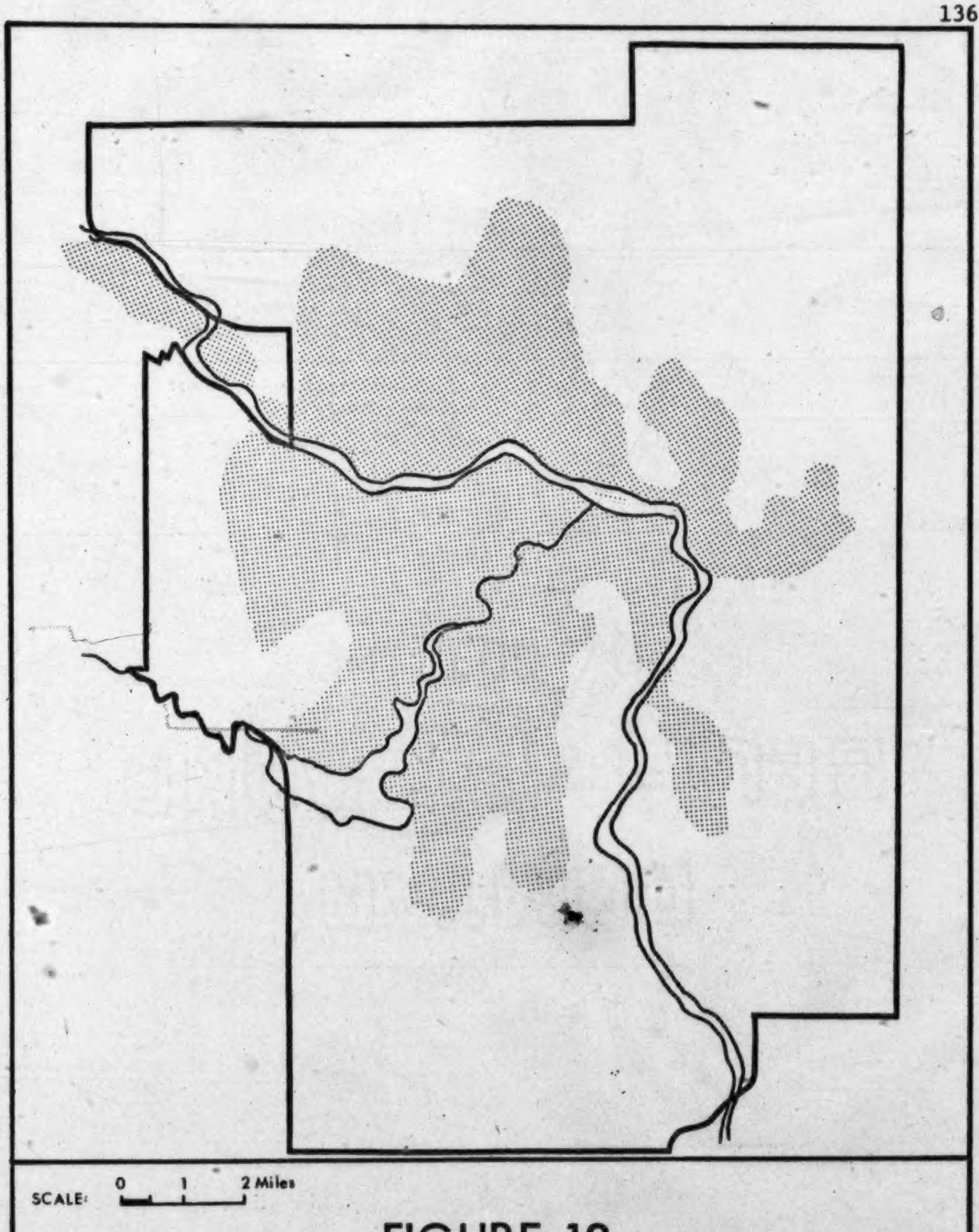
SCALE:
0
1
2 Miles

FIGURE 18

CALGARY: 1961

CITY BOUNDARY
▨ BUILT-UP AREA

SOURCE: City of Calgary

Calgary became a 'unicity' since it had gained jurisdiction over all of its contiguous and nearby peripheral developments. The boundary of the City of Calgary had become coterminous with its metropolitan boundary.[32] No more annexation occurred in Calgary until 1972 when a small area to the north was annexed. There are a number of annexation proposals pending, but the Calgary City Council has maintained a policy of large comprehensive annexation and is awaiting further study before making any further applications.[33]

In 1964, Edmonton amalgamated with the Town of Jasper Place and annexed a large area to the south-east and south (Figure 19), but could not gain control over the Strathcona industrial corridor. Further annexations in 1967, 1969, 1970, 1971, 1972 and 1974 added large areas of land to the City but it was still underbounded in 1974, even though much of the contiguous urban built-up area had been acquired. Contiguous with the city but beyond its boundaries are the Strathcona industrial corridor and some industry to the north-west, while detached developments on the periphery are St. Albert, Sherwood Park, Namao and

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[32] Calgary, City of (1970), op. cit., p. 5.

[33] Pers. comm. E.C. Brown, Calgary City Planning Department, March 7, 1974, Calgary.

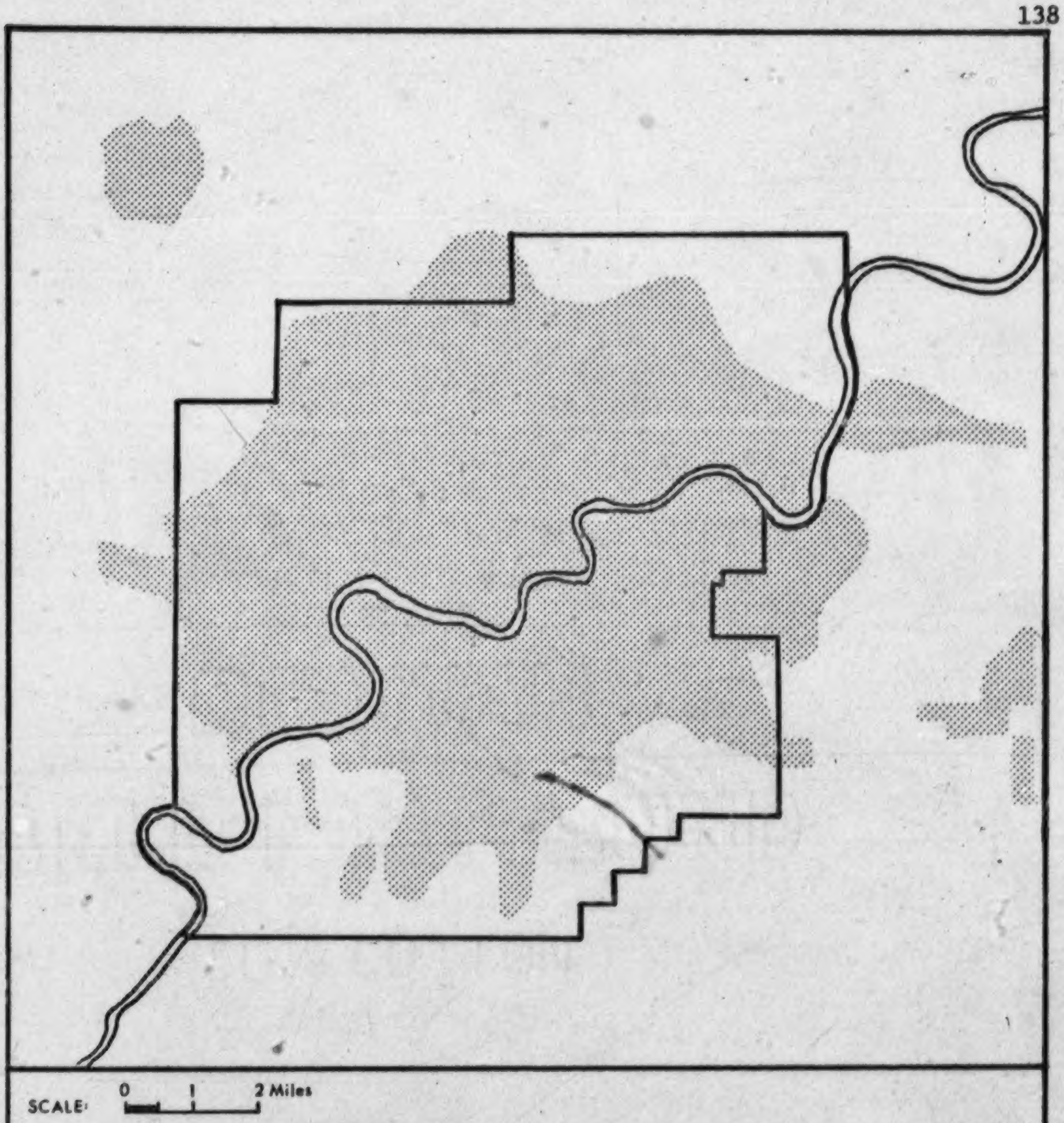
SCALE:
0
1
2 Miles

FIGURE 19

EDMONTON : 1964

— CITY BOUNDARY

▨ BUILT-UP AREA

SOURCE: Derived from L.McCaan

Lancaster Park and many smaller subdivisions and small holdings (Figure 20).

The last twelve years have brought large changes to the physical and political structures of Calgary and Edmonton. Prior to this period the two cities were quite similar, perhaps not in physical form, but with regard to their physical-administrative situation. In particular, they had both been underbounded with regard to contiguous urban land uses and metropolitan or detached fringe developments. Since then, by annexation and amalgamtion, Calgary has been successful in gaining complete control over its contiguous and metropolitan development, as well as a great deal of the land on which development is likely to occur in the future. There are still a number of scattered housing tracts and small holdings beyond the corporate limits of the City, and especially to the west toward Cochrane (Plate 11), but except for the Spy Hill Penitentiary and Sarcee Indian Reserve, Calgary has no major peripheral developments that may hinder its future growth.

Edmonton, on the other hand, has remained largely fragmented, physically and politically. Its boundaries have been violated by industry and by the outmigration of its residents to other centers in the metropolitan area. The boundaries have not been allowed to encompass the extraterritorial development and thus the City has no control over the physical growth and the administration of the

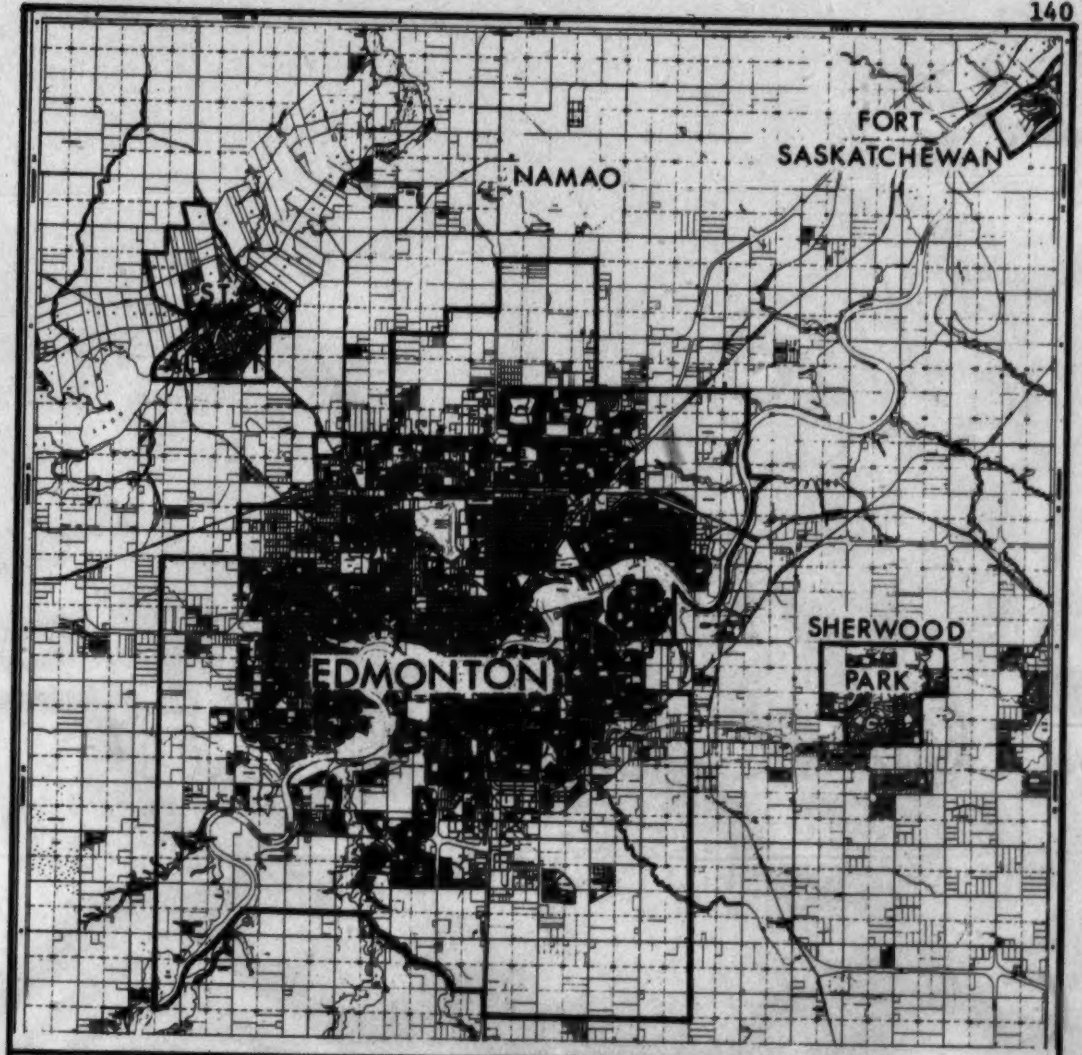
FORT
SASKATCHEWAN
NAMAO
ST.
EDMONTON
SHERWOOD
PARK

FIGURE 20

THE EDMONTON AREA
1973

—— MUNICIPAL BOUNDARIES

Scale : 0 1 2 3 Miles

SOURCE: EDMONTON REGIONAL
PLANNING COMMISSION

periphery. The result is that Edmonton and its environs have many of the typical problems of the fragmented metropolitan area. It appears inconsistent that the jurisdictional development of Calgary and Edmonton has differed so much over the last few years. The two cities have pursued essentially the same annexation policies aimed at the unification of the metropolitan areas through the annexation of large tracts of land. Yet, since 1947, Edmonton has annexed land seventeen times, while Calgary annexed only seven times and achieved much larger growth increments. The inconsistency also appears from the fact that a common decision-making body, using common legislation, makes and has made final decisions on annexation and amalgamation proposals.

ADMINISTRATIVE FRAGMENTATION IN THE EDMONTON METROPOLITAN AREA

In the metropolitan area of Edmonton as defined by Hanson in 1968 and the Edmonton City Council in 1973, a number of *de jure* and *de facto* territories may be identified (Figure 21).[34]

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[34] Edmonton, City Council (1973), *op. cit.*, p. 8 - 9.
E.J. Hanson, *The Potential Unification of the Edmonton Metropolitan Area*. University of Alberta, 1968, p. 69.

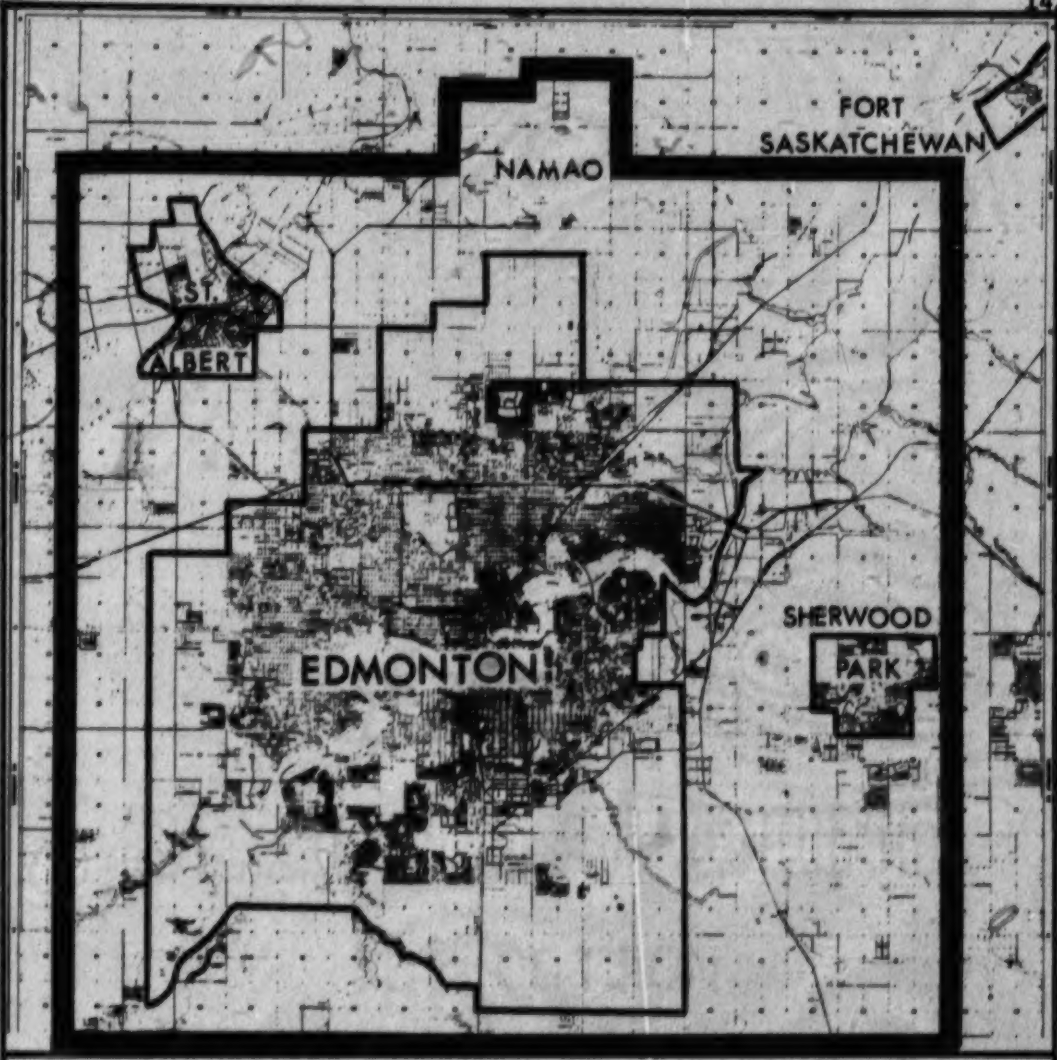
FORT SASKATCHEWAN
NAMAO
ST. ALBERT
EDMONTON
SHERWOOD PARK

FIGURE 21

THE EDMONTON METROPOLITAN AREA 1973

▬ HANSON LINE

— MUNICIPAL BOUNDARIES

SOURCE: CITY OF EDMONTON

Scale: 0 1 2 3 Miles

De Jure Territories: Local Governments

Within the designated area the City of Edmonton and the Town of St. Albert each performs the functions required of an urban local government.

In the 1950's, four rural governments were contiguous with the City of Edmonton.[35] They were the Municipal Districts of Sturgeon, Morinville, Stony Plain and Strathcona. These were later reduced to three; the Municipal District of Sturgeon (formerly Sturgeon and Morinville), and the Counties of Parkland No. 31 and Strathcona No. 20.

De Jure Territories: Special Governments

There are also a number of ad hoc agencies for the administration of education and hospital services in the Edmonton Metropolitan area.

Previously (ca. 1952) school divisions were not coterminous with local government boundaries.[36] At that time there were three school divisions embracing and overlapping more than five rural governments in the Edmonton area. As well, there were the Edmonton Public and Separate School Districts, the Jasper Place School District and the Beverly School District. Realizing the difficulties created by financing and administering an overlapping service area, the Coterminous Boundaries Commission of 1953 recommended that School Divisions be made coterminous with local governments. These recommendations were subsequently accepted.[37] Today the Edmonton Metropolitan area is served by the Edmonton Public School District #7, the Edmonton Separate School District #7, the St. Albert School District #3, the St. Albert School District #6 (public), Salisbury Separate School District #105, Strathcona County School Division #20, Stony Plain School Division #23 and the Sturgeon School Division #24.[38]

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[35] Strathcona, Municipal District of, An Appraisal of the Metropolitan School District Proposal for the Edmonton Area. E.J. Hanson, Advisor, No Date, p. 15a and 15b.

[36] Strathcona, op. cit., p. 15a and 15b.

There are also three Hospital Districts in the designated area but they are not coterminous with the local government boundaries. They are Hospital Districts #84, #98 and #100. Edmonton proper and much of Strathcona County are not in an organized Hospital District since Edmonton's hospital facilities are owned by various organizations, including religious orders, the City of Edmonton, the Province of Alberta and the Government of Canada.[39]

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[37] E.J. Hanson, Local Government In Alberta. McClelland and Stewart Ltd., 1956, pp. 70 - 72.

[38] Municipal Affairs, Department, Map - Municipal boundaries, Alberta. 1971.

De Facto Territories: Within Local Government Units

Within the jurisdictions of the rural governments there are a scattering of unincorporated, de facto, developments and subdivisions that require urban servicing. Sherwood Park, although it is the largest peripheral development in Edmonton in population, is unincorporated and thus must be considered in this category. Other much smaller unincorporated places are Wernerville, Ellerslie, Bretona, Grosvenor Park, Hustwood Park, Ordze Park, Cambelltown Heights, West Whitecroft, Whitecroft, Lancaster Park, Mooncrest, Normandeau Gardens, River Valley Estates and Windermere Estates (Plate 12).

Summary

The Edmonton area is thus highly fragmented from a jurisdictional point of view, since there are a number of

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[39] Municipal Affairs, Department of, Alberta Hospital Services Commission Map, 1973. Hospital Districts. Also Tel. Comm. March 4, 1974.

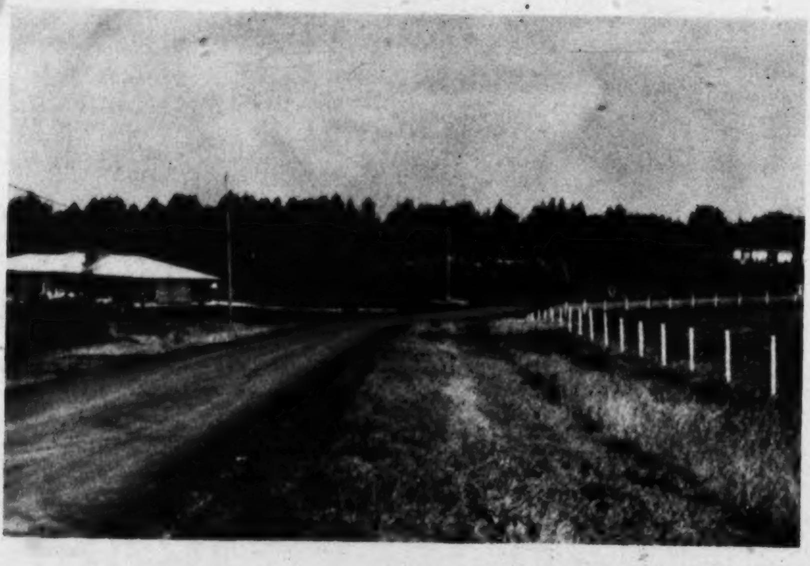

Plate 12. Country Residential Subdivision near Edmonton (Windermere Estates)

Plate 13. View of Industry from a High Density Residential Area in East Edmonton

different types of governments and organized territories. There are rural governments with jurisdictions over urban areas (eg. Sherwood Park), and urban governments with jurisdiction over rural areas within the corporate limits. This contrast in the type of government and the area governed has been looked at by most as a suboptimal situation since the rural governments often do not have the facilities and the experience to deal with urban areas and likewise the urban governments often do not have the experience to handle rural areas.

Because of this obvious administrative fragmentation, it may be assumed that the public services provided by the governing units are also fragmented from an area-wide point of view. This has led to the duplication of facilities, overlapping of services and the separation of costs and benefits, as discussed in Chapter One.

Public Service Agencies Within the City Boundaries

There are a number of agencies that operate solely within the City. Planning is done by the City of Edmonton Planning Department, public transportation is provided by the Edmonton Transit System, power is supplied by Edmonton Power, Edmonton Telephones supply the telephone communications network, and the City of Edmonton Police and Fire Departments provide municipal protection services.

Service Areas Within and Beyond the City Boundaries

The City of Edmonton also provides intermittent fire protection to some areas beyond the City boundaries, by giving back-up assistance to fringe communities (except for the Municipal District of Sturgeon).[40]

Although most municipalities do their own planning, there is in a sense an overlap here, since the Edmonton Regional Planning Commission attempts to coordinate the planning of the City and the peripheral urban and rural municipalities on a regional basis.

Public transportation to the peripheral communities is supplied by Western Bus Lines, which offers services to Sherwood Park.[41] However, the City of Edmonton supplies the services to the Town of St. Albert. There is thus a large overlap here since the City services the City and part of the area beyond its boundaries and the private service agency services Edmonton and part of the periphery.

A similar situation is occurring with regard to the supply of power in the area. Although Edmonton Power serves only the City, parts of the City are also served by Calgary Power, which provides power to the peripheral areas as well.[42] Northwestern Utilities, as well as other smaller agencies, serve both the City and the peripheral communities.

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[40] Edmonton City Council, 1973, op. cit., p. 25.

[41] Edmonton Journal, February 28, 1974, p. 3.

The supply of water in the area is mainly provided by the City of Edmonton, since it supplies Sherwood Park, St. Albert, Redwater, Namao, Fort Saskatchewan, the International Airport, Leduc, Stony Plain, Spruce Grove and the rural municipalities.[43] With this degree of intermunicipal servicing the effects of fragmentation are diminished since virtually every major urban municipality is tied into the Edmonton system in voluntary cooperation. Thus, it would appear that the negative connotations of fragmentation would not apply to the degree of the other fragmented services. However, there are still three *ad hoc* agencies operating within the area: the Parkland Water Board, the Northeast Water Board and the Strathcona-Leduc Water Board.[44]

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[42] Calgary Power, Service Area Map for the Edmonton Region, Calgary Power Limited.

[43] City of Edmonton, 1973, *op. cit.*, p. 22.

[44] *Ibid.*, p. 21.

Public Service Agencies beyond the City But Within the Metropolitan Area

Some of the peripheral municipalities provide their own planning functions (eg. St. Albert), while others come under the auspices of the Edmonton Regional Planning Commission. Thus there are two groups involved in the planning of the peripheral areas of the City of Edmonton, leading to fragmentation of this function. It should be noted that they are coordinated to some degree.

Alberta Government Telephones supplies the periphery with its telephone communication network and the Royal Canadian Mounted Police supply municipal police protection. As well there are *ad hoc* agencies dealing with education and hospital services.

The Calgary Situation and Fragmentation

In contrast to all this, the Calgary metropolitan area has only one local urban government (Calgary), two school districts, one hospital district, one fire department, one municipal police department, one water distributor, one telephone service, one power supplier, one gas distributor and one planning department (although, as in Edmonton, there is a regional planning agency). In total the Edmonton metropolitan area has more than three times as many local government bodies as Calgary, although the same range of services and functions is performed. In Calgary, unification has gone as far as it can, short of municipal ownership of all the services. In Edmonton, physical, political and administrative fragmentation has persisted because of the inability of the City to maintain a collective, coordinating control over its physical development through annexation and amalgamation.

PROBLEMS OF POLITICAL FRAGMENTATION IN THE EDMONTON METROPOLITAN AREA

The major problems in the Edmonton area have much to do with the centrifugal migration of city residents and the peripheral location of major tax producing industries beyond the corporate limits of the city; that is they are a response to existing positive and negative externalities. The migration of the residents has resulted in a loss of residential tax base from the City of Edmonton to the fringe municipalities. Moreover, many of the migrants are from the higher income levels. This migration has also put very strong development pressures on the smaller urban communities which may not be able to afford to provide the services that are demanded by rapid physical growth. This has resulted in either very high residential taxes, as in St. Albert, or low levels of service, as in Sherwood Park, which has no swimming pool, library, or hospital.[45] The development pressures on the peripheral communities has been so strong and have frequently caused them to annex more land, to the degree that the Edmonton Regional Planning Commission has passed a set of annexation guidelines so that it might

> ... accomplish its purpose of discouraging indiscriminate unplanned, opportunistic, premature annexation and urbanization and encourage the orderly development of local communities...[46]

The major negative externality resulting from the centrifugal migration is the creation of a central city - suburb fiscal crisis, where there is a separation of the supply of public services (benefits) from the payment for them (costs). The victims are the suppliers of public goods and services in the area.

Closely related to this is the distribution of industry on the fringe of the City in a clustered manner. This clustering, mainly in the Strathcona industrial corridor, has resulted in the inequitable distribution of the property taxes paid by those industries. In this case, only the municipalities with industry benefit, while the others must make do with much less. Thus, for example, St. Albert must cover its costs of development and local government with a mainly residential tax base. Conversely, since Sherwood Park receives benefits from the industrial tax base of the County of Strathcona it has not incorporated and is not likely to do so unless its boundaries include some of those industries.[47] As well, the City of Edmonton has not been able to benefit directly from the industries which, in all probability, would have been within its boundaries had annexation been attempted before the major industrial activity occurred.

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[45] It should be noted that the high cost of development is not the only reason for high taxes. A low level of industrial property taxes puts similar pressures on a community. Both would seem to have affected St. Albert.

[46] Edmonton Regional Planning Commission, Proposed Annexation Guideline for Urban Areas. Research and Long-range Planning Section, June, 1973, mimeo, no pagination. For a list of the guidelines see Appendix 3.

The location of industry in the Strathcona industrial corridor and the subsequent development of the Sherwood Park, Ottewell, Hardisty and Goldbar residential areas, has created an environmentally poor condition for the residents through heavy emission of atmospheric effluents (Plates 13 and 14). There is thus a negative externality in the form of a land-use conflict in the general south-eastern part of the metropolitan area.

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[47] Pers. comm. D. O'Neil, Edmonton City Planning Department, March 5, 1974.

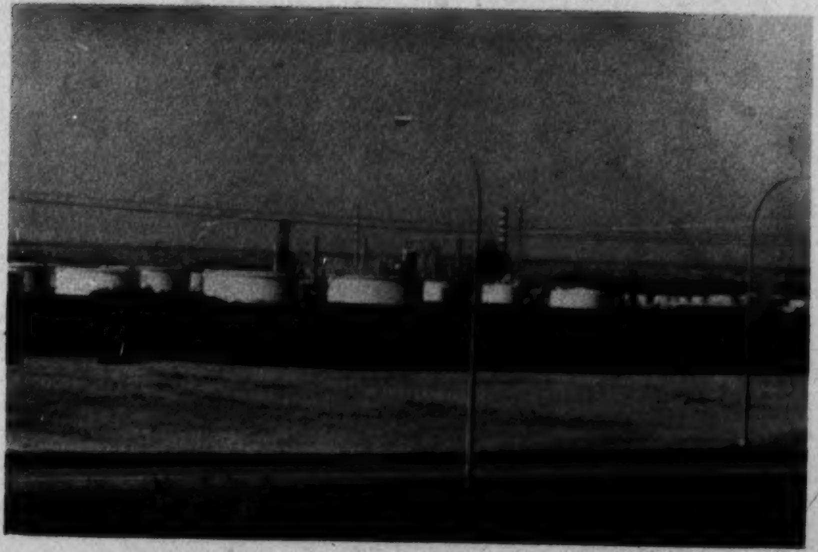

Plate 14. View of the Strathcona Industrial Corridor from Sherwood Park

This leads into the broader problem of planning a fragmented urban and rural area. Long-range planning is very difficult where there is little coordination among the constituent members of a metropolitan area. Also, not knowing where the city may expand in the future due to peripheral obstruction, makes the effective and efficient planning of the extension of services and utilities, the supply and location of transportation facilities and the location of residential, industrial and commercial land-uses very difficult.

This overall difficulty is due to the regional nature and effect of many of the planning proposals of the central city. For example, the requirements of commuting traffic must be taken into account if the city's transportation system is to be planned effectively. Conversely, the city's infrastructure of transportation and utility systems should be a major consideration in the location of satellite towns and dormitory suburbs.

It was, in part, because of such difficulties that the Edmonton Regional Planning Commission was created. However, it has not been particularly effective in its work. It has been difficult, at times, for the constituent members of the Commission to reach a concensus of major planning proposals. This is especially a problem since the membership in the Commission is voluntary. It was because of such conflicts that the Municipal Districts of Sturgeon and Strathcona withdrew from the Commission for a time in the 1950s.[48] The development approval of Sherwood Park, which was a partial cause of the withdrawal of Strathcona, was a poor planning measure resulting from such conflicts. For a satellite town, as it was designated, it was too close to the City of Edmonton and its location downward from the polluting industry was most unattractive. Edmonton strongly opposed the plan, as did the Edmonton Regional Planning Commission, however, when the county withdrew from the Commission the matter came under the auspices of the Provincial Planning Board who approved it. The City has contended that some decisions are the result of a rural bias in the membership of the Commission.[49]

The McNally Commission, also formed because of the problems of metropolitan fragmentation, suggested that this type of regional planning has a number of weaknesses, these being voluntary membership, non-uniformity in enforcing zoning and other by-laws, members acting under different legislation, financial resources varying between members, and the fact that changes in one local plan may

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[48] Alberta, Province of, (1956), op. cit., p. 34.

[49] Edmonton, City of (1972), op. cit., p. 7. For a detailed discussion of planning problems in the Edmonton area see pp. 7 - 11.

may result in the revision and delay of the regional plan.[50] Fragmentation in the Edmonton area has thus led to some unsound and difficult planning.

The over-riding problems in the Edmonton area is the lack of coordination, lack of cooperation and the lack of control over overall development. To achieve these three requirements for the efficient and effective development and administration of the area, as well as the acquisition of high tax revenue lands, the City has chosen the 'unicity' approach as suggested by McNally Commission in 1956. The Commission recommended that

> the city boundaries be extended to include the fringe towns of Jasper Place and Beverly, most of the industrial area of the Strathcona Industrial District, the townsite of Campbelltown and the intervening land, together with portions of land all around the present city limits.[51]

They also recommended that "the government of each enlarged city consist of one city council, one public school board and one separate school board."[52]

The 'unicity' approach taken by Edmonton is expressed in the Statement On The Future of This City, where it is stated that

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[50] Alberta, Province of (1956), op. cit., p. 34.

[51] Ibid., Chapter 17, p. 6.

[52] Ibid., Chapter 17, p. 5.

> it is recommended that a major adjustment of municipal boundaries in the capital city area be undertaken by the Provincial Government.[53]

A major adjustment is considered by the City to "... be any adjustment which includes St. Albert and Sherwood Park and would result in a city approximating 300 square miles."[54] The suggested boundary is shown in Figure 22.

This proposal has been based on six principles for the establishment of a local government unit."

1. The urbanized area should be contained in one governing unit to optimize long-range planning for the area. Comprehensive planning to be meaningful, requires the integration of political, administrative, economic, social and physical planning. An urbanized area which is in fact one social and economic unit can be more efficiently and effectively governed by one municipal authority, however structured, than by a multiplicity of local governing bodies.

2. Local government has the responsibility for the social and economic well-being of its citizens. It must have under its jurisdiction a supply of land adequate to meet residential, recreational and industrial needs, both immediate and long-term.

3. The responsibility for the burdens of the services and facilities in a large urban community should be equitably shared by all the beneficiaties in the immediate urban area. Conversely, the benefits of the services and facilities in a large urban community should be equitably shared by all those bearing the burdens.

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[53] Edmonton, City Council (1973) op. cit., p. 78.

[54] *Ibid.*, p. 59.

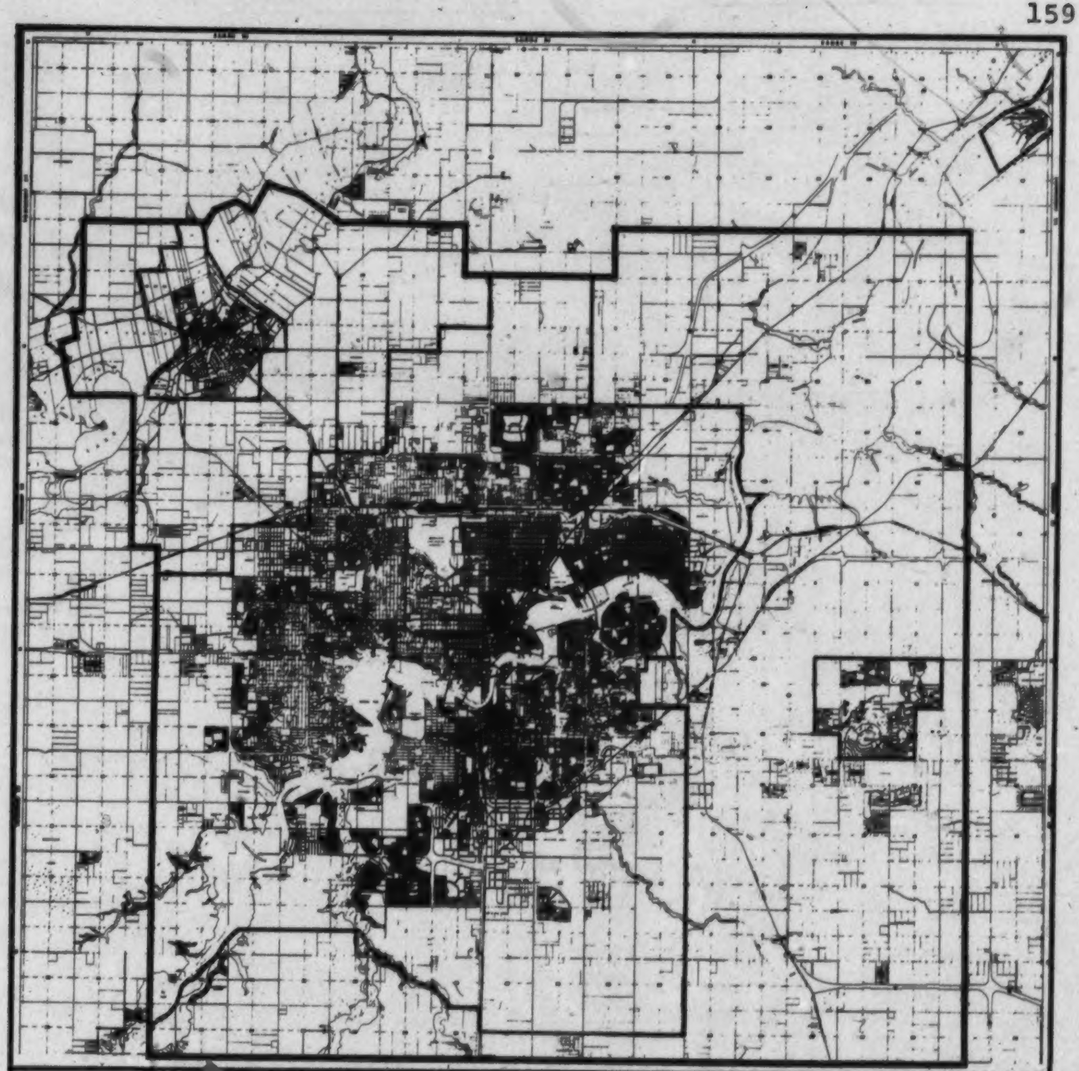

FIGURE 22

THE EDMONTON METROPOLITAN AREA 1973

PROPOSED BOUNDARY

MUNICIPAL BOUNDARIES

SOURCE: CITY OF EDMONTON

Scale: 0 1 2 3 Miles

4. An urban government should govern urban areas. A rural form of government should govern rural areas. Urban governments are neither designed nor equipped to govern rural areas. Rural governments are neither designed or equipped to govern urban areas. Citizens have the right to a form of local government that reflects their style of life.

5. The form which local government should take is the responsibility of the Provincial Government. The Provincial Government has the duty to carry out its responsibility in a decisive and timely manner. This duty includes periodic reviews of local government forms and boundaries to ensure that these reflect the current and foreseeable social, political and economic situation. Local government should be so organized that the area benefiting from given services is contained within its boundaries in order that joint federal-provincial-municipal services can be coordinated effectively.

6. A sufficient amount of local autonomy must be maintained to enable local government to carry out its responsibilities effectively and efficiently.[55]

It is the aim of the City to achieve the 'unicity' by amalgamation and annexation of its surrounding territory. However, internal opposition has been very strong and the external opposition and support has not been made evident. As suggested by Smallwood (Chapter 1, p. 33) this situation makes annexation and amalgamation difficult if not impossible.

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[55] *Ibid.*, pp. 39 - 47.

CONCLUSIONS

It is apparent that the Edmonton metropolitan area has fallen victim of many of the negative externalities that are associated with the migration to the periphery and beyond of residential, commercial and industrial land-uses, and the problems associated with the inability of the central city to expand its boundary to contain such peripheral development. This has resulted in the administrative fragmentation of the area, and the many negative externalities that derive from that.

To relieve these negative externalities and to achieve positive externalities of controlling growth, acquiring the tax-rich areas on the periphery and so on, the City is attempting to coordinate the many _de facto_ and _de jure_ territories by making them one physical, political and administrative unit: the 'unicity'. The City has been using the annexation and amalgamation approach to achieve these ends.

Throughout the study period the policies and the positions of all concerned groups in annexation and amalgamation have been officially expressed through the Local Authorities Board and its predecessors, whose final decisions based on the assessment of the policies, positions and the overall situation have had a great effect on the very problematic metropolitan situation in the Edmonton area. The remainder of the study will attempt to identify and assess the policies of the Local Authorities Board and its predecessors that are followed in making decisions which are so important to the physical, political, economic and social development of the Calgary and Edmonton metropolitan areas.

CHAPTER 4

ANNEXATION POLICY OF THE BOARD OF PUBLIC UTILITIES COMMISSIONERS IN EDMONTON AND CALGARY, PHASE I (1946-1960): GROWTH WITHOUT OBSTRUCTION

This chapter is concerned with the annexations that were dealt with by the Board of Public Utility Commissioners (B.P.U.C.) in the post-war era. Each annexation bid will be presented in detail, with particular attention to its relative eccentricity and its importance to the identification and analysis of the Board's policies. The text of the chapter will largely deal with the decisions of the Board as expressed in the board orders.[1]

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[1] Board Orders are legal documents which spell out the decisions made by the boards. The order renders the boundary adjustment official. As well, it may include various conditions that are to be met by parties involved with the annexation in question.

ANNEXATION POLICIES IN EDMONTON: THE PIECEMEAL ANNEXATION ERA (1946-1960)[2]

During this period, the term 'piecemeal' perhaps best describes the general pattern of spatial growth of the City of Edmonton, since all of the successful annexations were small and scattered along the corporate city boundary. Save for the Southwest annexation (1960), which added almost eleven square miles, the mean size of the annexations was 0.71 square miles. The total area of the smaller additions was a mere 5.70 square miles (see Figure 23). Their small size was not due to a large amount of peripheral opposition, but to the fact that they were largely initiated by land owners, residents or developers and not by the City. As shall be shown later, an application by private interests generally results in a piecemeal addition.

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[2] An objective definition of piecemeal annexation has yet to be found, but the author will consider it to mean any small addition of territory that is made in a manner that does not show concern for the broader implications of adding new territory to a city.

The Kenilworth annexation (1960) has not been treated in this thesis since there were no records available. It comprised an area of 1.19 square miles of land located due south of the Ottewell annexation. It occurred in 1960, and was the last annexation treated by the B.P.U.C. in the Edmonton area.

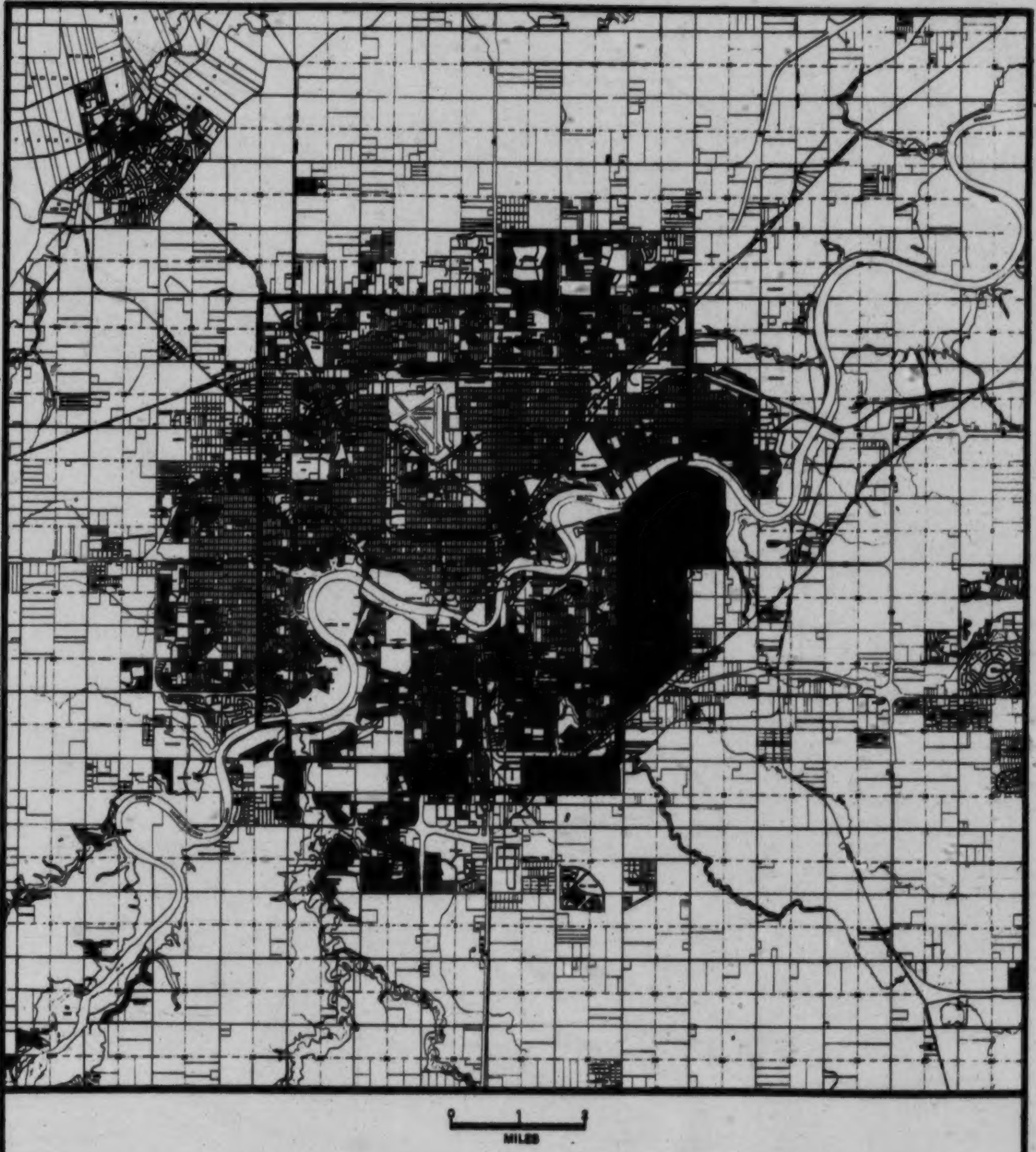

FIGURE 23

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: ALL PIECEMEAL
DATE 1947–60 BOARD ORDER NO. N/A

▬ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOA[illegible]

The piecemeal nature of the annexations in this period exposes two major points. The first is that in the early stage of post-war growth, Edmonton was underbounded and the City did not need to annex territory. Nonetheless, and this is the second point, the City showed a lack of foresight since this was the period of Edmonton's most rapid physical growth. By the late 1950's there was already a land shortage and there were frequent private annexation proposals so that residential and industrial development might be entertained.

All of the annexations in this period occurred on the southern boundary of the City, indicating that there was a significant amount of growth pressure in this direction. The southern location also meant that the City dealt solely with the M.D. of Strathcona. Although the M.D. regularly demanded a number of conditions of approval, it may be said that the City and the Municipal District dealt successfully and amicably with one another, a situation that would deteriorate in later years.

This stage in the post-war history of the City of Edmonton sowed the seeds for many later difficulties. Shortages of residential and industrial land within the corporate boundaries have since become critical and the City has been hindered in its expansion aspirations, especially to the south-east where it has been in repeated conflict with the M.D. of Strathcona.

THE PLEASANTVIEW ANNEXATION (1947):

A TYPICAL ANNEXATION PROCEEDING

Initiation and Application of the Proposal

The proceedings of this annexation were initiated by the residents at the Pleasantview Subdivision (Martin Estate) in November, 1946, who inspired the City to apply to the B.P.U.C.[3] Unfortunately, the documentary sources do not explain why the residents wished to be annexed, but it can be assumed that they were looking for better municipal services.

Approval of the Proposal

Before the Board would consider an application for annexation; it sought to establish whether there was any opposition to the proposed annexation, or whether those parties that had some interest in the area were prepared to approve the addition either conditionally or unconditionally.

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[3] Open letter from the City of Edmont Legal Department to residents of the area to be annexed. Nov. 1947.

Application to the B.P.U.C. by the City of Edmonton for the annexation in question, from the City Solicitor A.F. Macdonald, Dec. 17, 1949.

Initially the annexation in question concerned just the Pleasantview Subdivision. Upon considering the matter, however, the M.D. of Strathcona gave conditional approval as long as "... all of the northwest quarter of Section 17-52-24-W 4th ... is included in the order for the annexation" (Figure 24).[4] As well, Strathcona demanded that the amount the M.D. had spent on capital works during 1946 and 1947 be refunded to the municipality and that unpaid taxes in the M.D. be liquidated by the City.

The residents, even though they initiated the proceedings, also submitted a number of conditions for approval by the Board. It was requested that they be brought into the inner zone until they petitioned to do so.[5] They also asked that the 35 per cent excess charge on water rates demanded by the City be removed.

The City of Edmonton also presented conditions in the formal application to the B.P.U.C. It was requested by the City that:

> (1) The subdivision will be admitted as outer zone and will be brought into the inner zone as soon as the intervening out zone is eliminated.

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[4] Letter from the M.D. of Strathcona to the Chairman of the B.P.U.C., Dec. 16, 1947.

[5] City of Edmonton Finance Committee Report #3, no date, mimeo. The outer and inner zones were tax service zones within the City boundaries, the outer zone having fewer services and hence a lower mill rate. For example, at the time of this annexation proposal the inner zone mill rate was 49.5 while the outer zone mill rate was 35.0.

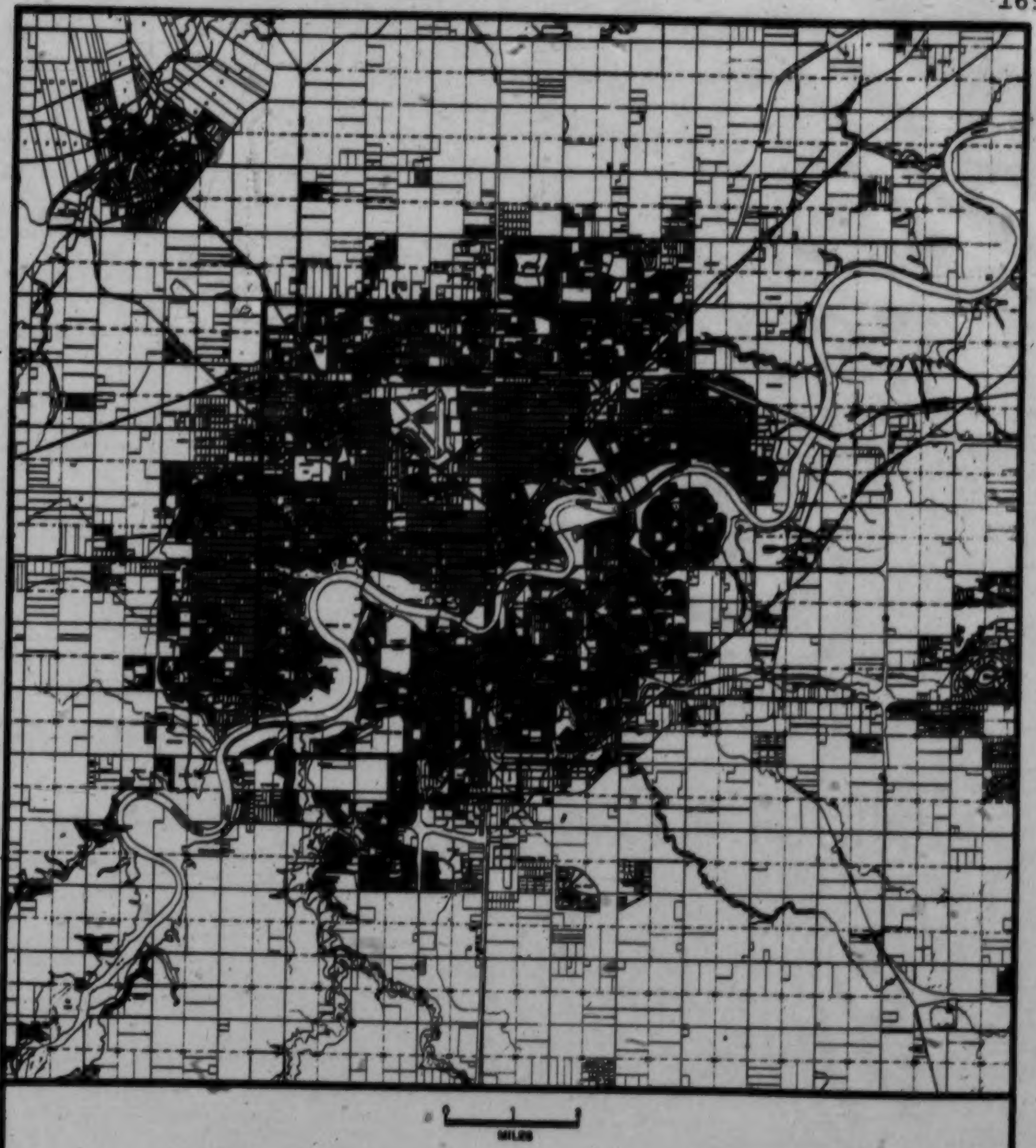

FIGURE 24

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: PLEASANTVIEW
DATE 1947 BOARD ORDER NO.11214

▬ AREA APPLIED FOR
■■■ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

(2) Any amount owing to the Municipality of Strathcona at the time of the incorporation for street imrpovements will be collected from the property owners by the City on a frontage basis.

(3) The charge in perpetuity of 10¢ per foot for each sewer and water service to be applicable on the basis of an average fifty foot frontage.

(4) The City will not be obligated to extend its transportation system on 106 Street south of 70 Avenue until the Martin Estate is taken into the inner zone.

(5) If any portion of the Veterans Land Act Development is hereafter resubdivided in such a way that utility extensions are required, these shall be assessed and paid for the same basis as similar utility extensions undertaken elsewhere in the City.

(6) Any local improvements not now in existence within the area enclosed in red on the attached plan shall be assessed and paid for in the same manner as similar local improvements undertaken elsewhere within the City.

(7) Should the present Veterans Land Act subdivision be resubdivided so that any lot has less than 50 feet of frontage, the owner thereof shall only be assessed upon the actual frontage of the lot.

(8) The City will assess and collect in each of the years 1948, 1949 and 1950 the sum of $5.00 per lot on the Veterans Land Act project in order to repay to the City the cost of local improvements already completed therein as the City has agreed to pay the M.D. of Strathcona No. 83, if the annexation is approved, the balance of $2,373.10 now owing to the said M.D. for local improvements undertaken on the said Veterans Land Act portion of the said section 17.[6]

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[6] Application to the B.P.U.C. by the City of Edmonton, op. cit.

The Board's Decision

The B.P.U.C. ordered the annexation approved as requested on December 13, 1947.[7] This was done after the Board had received the application, a resolution from City Council approving the annexation, a petition by the majority of the land owners in the area, the consent of the Director of the Veterans Land Act holdings and other land owners and the consent of the M.D. of Strathcona. The adjacency of the land to the City boundary was also determined.

Most of the demands of the various parties were endorsed in the Board Order, save for the City's seventh demand and the removal of the 35 per cent surcharge requested by the residents. Both demands appear to have been met privately between the parties involved.

Two conditions of the Order were not demanded by any of the parties involved and would appear to have been introduced by the Board on the basis of the enabling legislation. They stated that:

> ... the annexed territory shall be subject to the debentures already issued by the City of Edmonton and the rates hereafter levied to meet such debentures, and shall be subject to assessment and taxation by the City of Edmonton as from the first day of January 1948, according to the provisions of the Edmonton Charter

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[7] B.P.U.C., Board Order 11214, December 13, 1947.

> and other applicable Statutes and the provisions of the said order No. 1505-B in that behalf;
> All assets, property rights and liabilities of the Municipal District of Strathcona, No. 83, in, to or of the annexed territory, including all taxes due as at the 31st day of December, 1947, shall pass to the City of Edmonton on the first day of January, 1948 and all the remedies that were available for the collection of any such taxes due to the Municipal District of Strathcona, No. 83, shall be available to the City of Edmonton in all respects as though the taxes or arrears had originally been due to the said City.[8]

These conditions are covered by Section 23 (1) and (3) of the Municipal Government Act of Alberta.[9] Both appear as "standard conditions" in most annexation orders.[10]

Discussion

From this typical annexation there are a number of valuable observations that either expose the Board's policies or are applicable to annexations in general.

(1) Hearings are optional, but even when all parties concede that an annexation should take place, there may be disagreement over conditions or questions that must

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[8] B.P.U.C.. Board Order 11214, December 30, 1947.

[9] Alberta, Statutes of, Municipal Government Act, R.S.A. 1970 C. 246, s. 23.

[10] The term 'standard conditions' (coined by the author) refers to conditions that are usually included in Board orders whether requested or not.

be dealt with. These difficulties may be settled privately or in the board order, but, either way, a hearing was required by the B.P.U.C.

(2) The Board required, through the authority of the Municipal Act, that the to-be-annexed territory be adjacent to or contiguous with the City before annexation would be allowed. This is expressed in most orders and is obviously intended to prevent exclaves and their financial-administrative and related problems.

(3) By the nature of the demands of the interested parties and the response of the Board, it becomes apparent that the annexation process has much to do with the financial and administrative implications of the transfer of the jurisdictional rights of one governing body to another.

(4) With regard to Board function, it is clear that it acted largely as an arbitrator which attempts to reconcile the demands of the interested parties and sees that the interests of all concerned groups are maintained as equitably as possible. This was done by including some of the requirements as conditions in the order, and by introducing conditions the Board itself deems necessary for the effective transfer and settlement of the jurisdictional change.

(5) The land annexed in this case was not that which was originally intended for annexation. The M.D. of

Strathcona had the area enlarged for reasons not mentioned. This often occurs in annexations and is generally caused by the desire of the rural municipality to have a regular corporate boundary where it meets a city. On occasion too, the Board may order a change in the area to be annexed, usually by reducing it.

(6) The enlarged area included a government road allowance to the west of the parcel. This provision is also quite common, as a means of reducing the road maintenance costs of the rural municipality.

THE WHITEMUD (1950) AND CORONET (1954) ANNEXATIONS: PROCEEDINGS WITHOUT HEARINGS

The functions of the Board hearing is to expose the concerns of all parties who have an interest in the proposed annexation, and to secure agreement among them, if at all possible. In some situations, though, it is evident in advance that agreement can be reached without a hearing being called. Not surprisingly, this occurs mostly when very small territories are being sought, because few parties are involved and the likelihood of conflict is minimized. The Whitemud and Coronet annexations fall into this category . (Figures 25 and 26).

The Whitemud Annexation was initiated and applied for by the landowners, one of whom was the City of Edmonton.

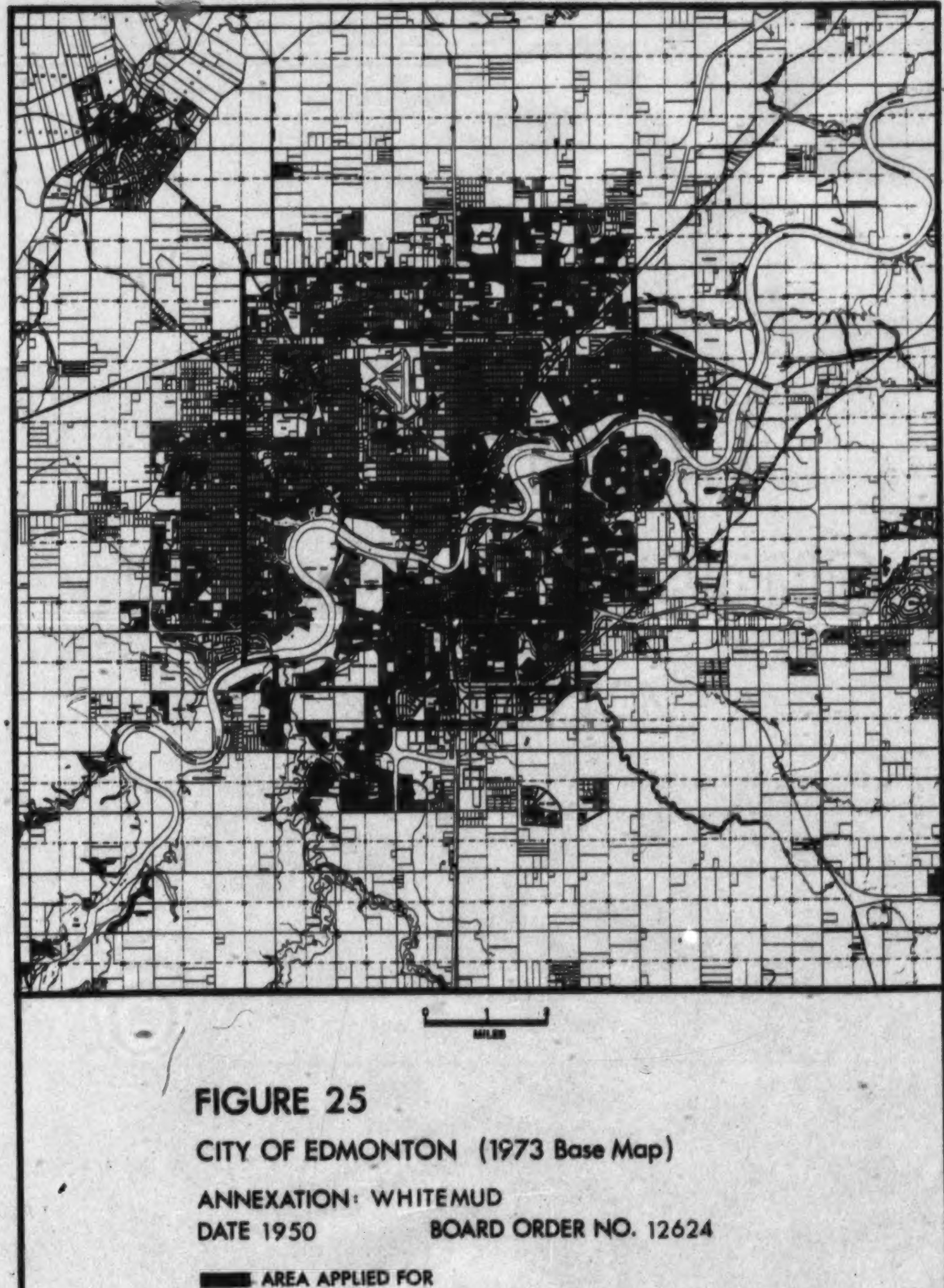

FIGURE 25

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: WHITEMUD
DATE 1950 BOARD ORDER NO. 12624

▬ AREA APPLIED FOR
▬ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

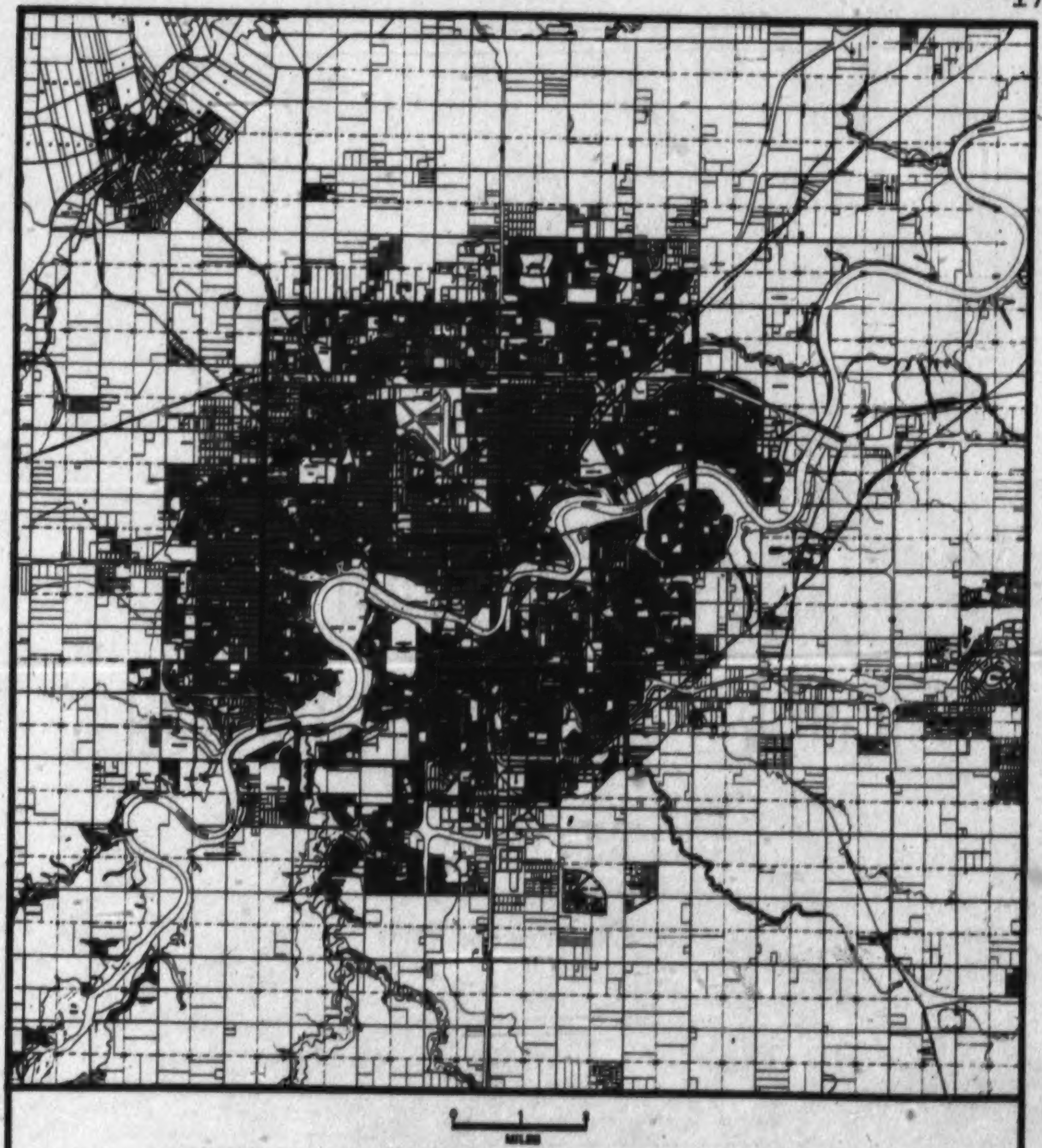

FIGURE 26

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: CORONET
DATE 1954 BOARD ORDER NO. 15371

■ AREA APPLIED FOR
■ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

The only other interested parties were the M.D. of Strathcona and the Canadian Pacific Railway, neither of whom raised any major issues that could have affected the outcome of the proceeding.[11] At the same time, each had particular interests to protect, and these were adopted by the Board as conditions of approval. This move had three policy implications, the first procedural and the others substantive.

(a) In cases where there is no conflict of interest, such as would require a Board hearing, but where there is no formal agreement among the interested parties, the Board feels obliged to spell out those interests that are to be protected.

(b) The concern of the M.D. of Strathcona was that the annexed territory should be used as parkland.[12] This was also the intent of the City of Edmonton, so there was no conflict, but the fact that the Board could make its order conditional on a specific land use being adhered to is an important indication of the breadth of its statutory powers. It can actually act as a _de facto_ planning authority, if it chooses to do so, a role that is of particular interest to geographers and planners.

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[11] B.P.U.C. Board Order 12624, Aug. 5, 1950.

[12] Letter to D.B. Menzies from the M.D. of Strathcona, Aug. 15, 1949.

(c) The C.P.R.'s concern was a more general one for the protection of its mining and quararying rights.[13] Again, there was no quarrel, and the fact that the Board specified that these rights would be protected is a mark of its punctilious concern that there should be no hardship or inconvenience for parties with a legitimate interest in the territory to be annexed.

The Coronet annexation differed from Whitemud in one key respect: only two major parties were involved, Coronet Construction Ltd. and the City of Edmonton, and they signed their own agreement on the conditions of annexation. In this case, then, the Board was able to approve the annexation unconditionally.

The annexation was initiated and applied for by the Coronet Construction Company, who wished the site to be annexed so that it could be developed for industrial use.[14] The agreement between the Company and the City contained twelve major points, including an exchange of certain properties, the guarantee of industrial zoning, the retention of the existing tax levy until the site was served by sewer and water, the granting of certain easements, the offering of technical advice by the City, the concession that services would be supplied within a reasonable period and assurance that the site would be developed in a sequence and a manner agreeable to the Town Planning Department of the City of Edmonton.[15] With this type of detailed external settlement, and the approval of the M.D., there was obviously little need for a hearing.

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[13] B.P.U.C. Board Order. 12624, Aug. 5, 1950.

[14] E. Dale, The Role of Successive Town and City Councils in the Evolution of Edmonton, Alberta, 1892-1966. Ph.D. Thesis, Department of Geography, University of Alberta, 1969, p. 304.
B.P.U.C. Board Order 15371, April 23, 1954.

The petition by Coronet Construction and the residents of the area was based on four points, two of which are of significance.

> 1. All the subject land, excepting the areas occupied by the railroads, is presently farmland, but is suitable for industrial sites and represents a logical development of the present south-east limits of the City of Edmonton since all essential utilities can best be secured from the City of Edmonton and are readily available.
>
> 2. The development of the area for industrial sites will meet an increasing need for additional industrial locations in the area where the Edmonton District Planning Commission and the City of Edmonton Town Planning Department consider industrial development to be the logical land use.[16]

These two points indicate criteria which the Board and its successors have held of importance in making annexation decisions, to the degree that they have become informal policies in every annexation proceeding. The first point indicates that the land is physically suitable for the intended use as well as being in a logical location. The second point indicates that there is an existing and future need for the land and its intended use.

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[15] Legal Agreement between The City of Edmonton and Coronet Construction Co. Ltd., made on March 15, 1954.

[16] Agreement between The City of Edmonton and Coronet Construction Ltd., *op. cit.*

THE HARDISTY (1954), GOLDBAR (1956) AND OTTEWELL (1959) ANNEXATIONS: THE NEED FOR RESIDENTIAL LAND APPEARS

Initiation and Application of the Proposal

The need for new residential land in Edmonton first showed itself in 1954, in the Hardisty annexation, and continued in the Goldbar and Ottewell annexations of 1956 and 1959. In the first case, the City was reluctant to support the annexation, which was prompted by speculative interests, but succumbed due to the shortage of land.[17] The Hardisty annexation was initiated by the owners, but was applied for by the City. However the remaining annexations were initiated and applied for by the landowners. In view of the pressing land shortage it was scarcely a mark of a responsible public attitude.

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[17] Dale, op. cit., p. 305.

Approval of and Opposition to the Proposal

All three areas were located on the southeast boundary of Edmonton (see Figures 27, 28, and 29) and were annexed with relative ease; i.e., little opposition was expressed. Indeed, in the case of Ottewell there was no opposition at all. In the Hardisty annexation, some tax protection was requested by L.S. Cutler, the Director of the Veterans Land Act for land holders under the Act.[18] Likewise, the landowners in the area requested protection from taxation while they were not receiving benefits.[19] There was also an objection from a shopkeeper, who wished to be exempt from the City's early closing by-law.[20] The Goldbar annexation was perhaps the most difficult of the three, aside from the typical concern over taxation increases. The difficulty was based on the fact that there was a potential land use conflict between the proposed residential development and industry in the Strathcona industrial corridor. Because of concerns expressed by Canadian Industries Limited, a hearing became necessary.[21] The Board accepted

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[18] Letter to City Commissioners from L.S. Cutler, February 11, 1954.

[19] Petition of 85 landowners to B.P.U.C., no date.

[20] Letter to B.P.U.C. from A. Gupta, February 23, 1954.

[21] Letter to B.P.U.C. from Lindsay, Emery et al on behalf of C.I.L., June 20, 1956.

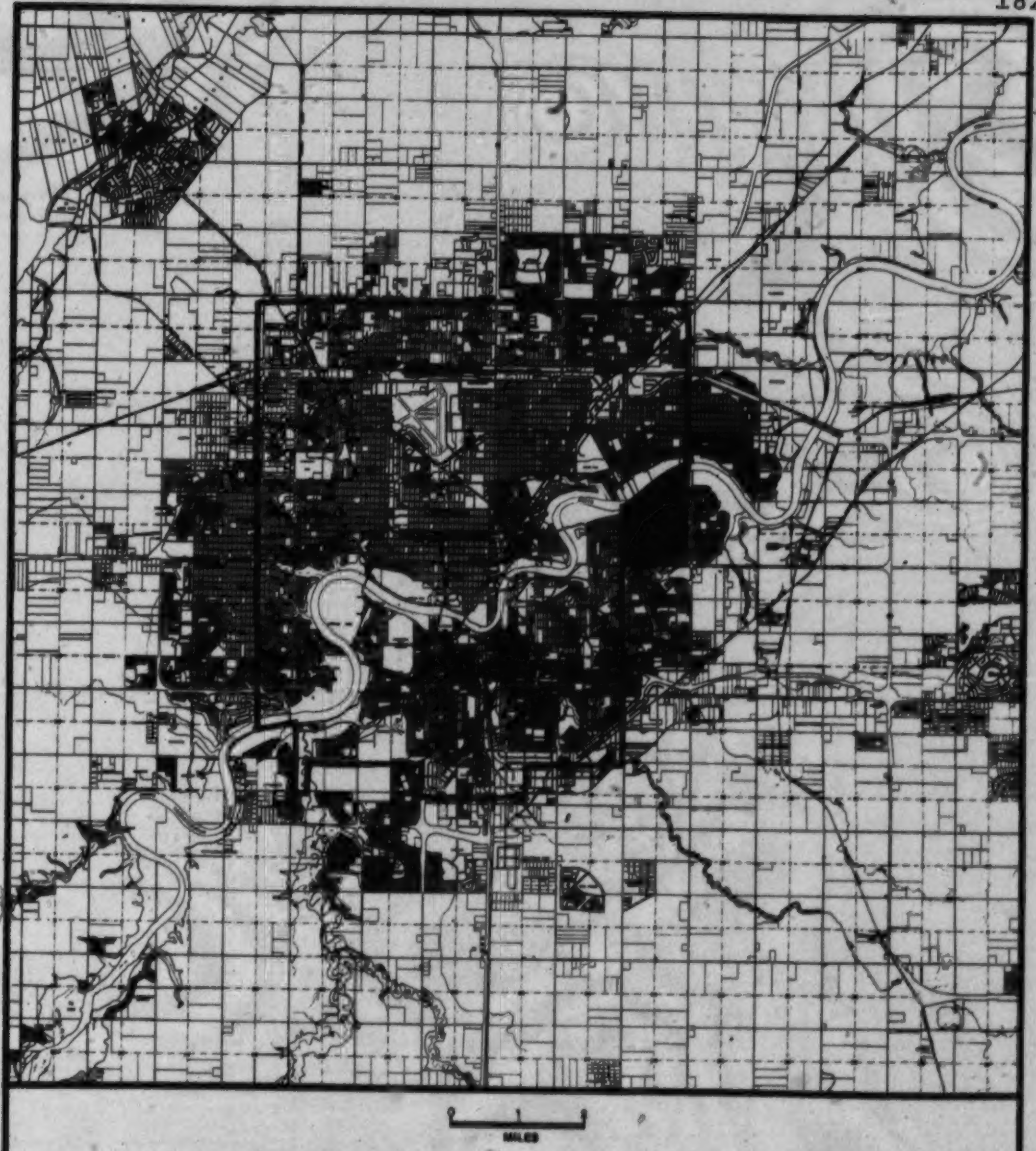

FIGURE 27

CITY OF EDMONTON (1973 Base Map)

ANNEXATION : HARDISTY

DATE 1954 BOARD ORDER NO. 15272

■ AREA APPLIED FOR

■ AREA ANNEXED

— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

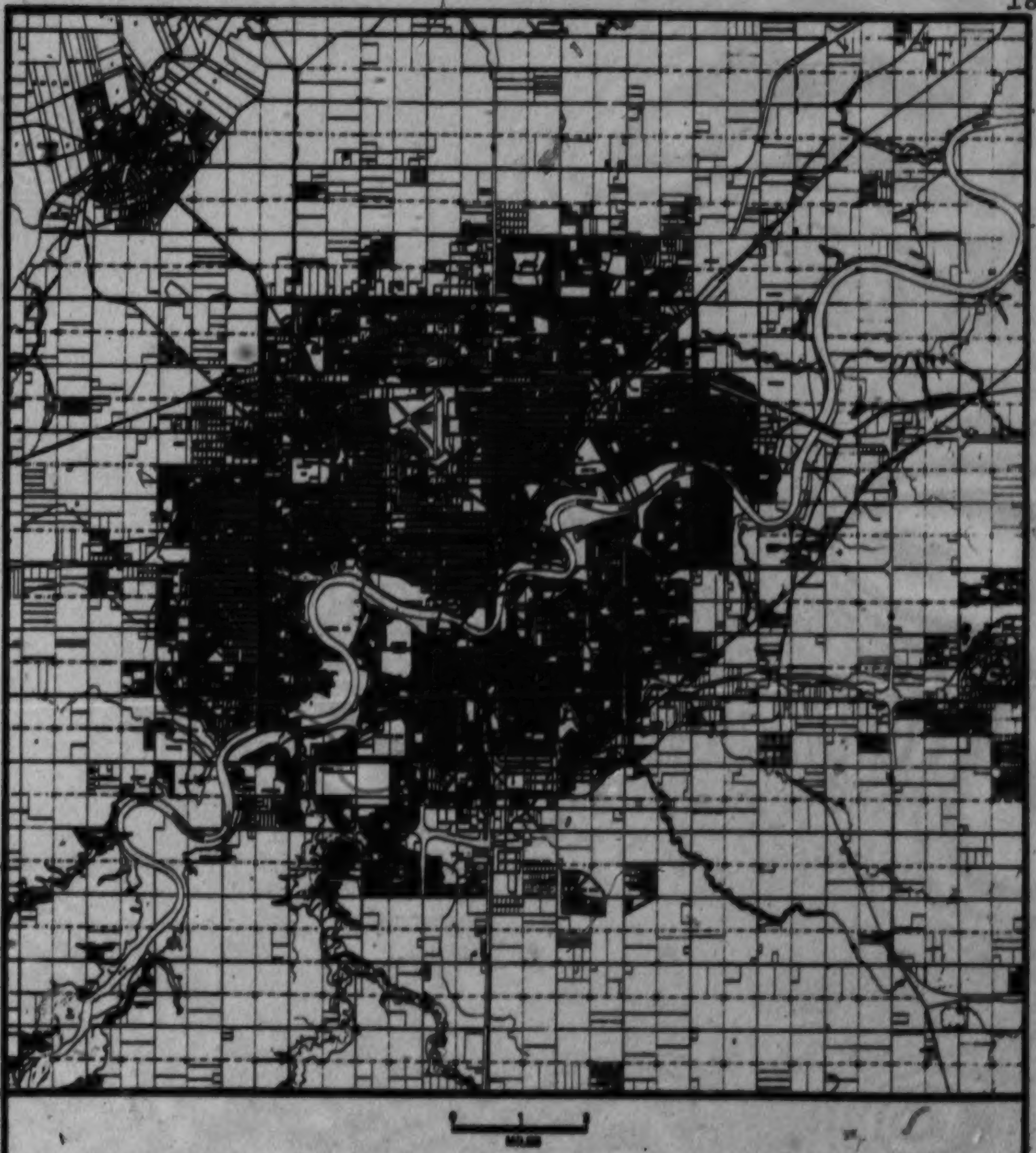

FIGURE 28

CITY OF EDMONTON (1973 Base Map)

ANNEXATION : GOLDBAR
DATE 1956 BOARD ORDER NO. 18267

■ AREA APPLIED FOR
■ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

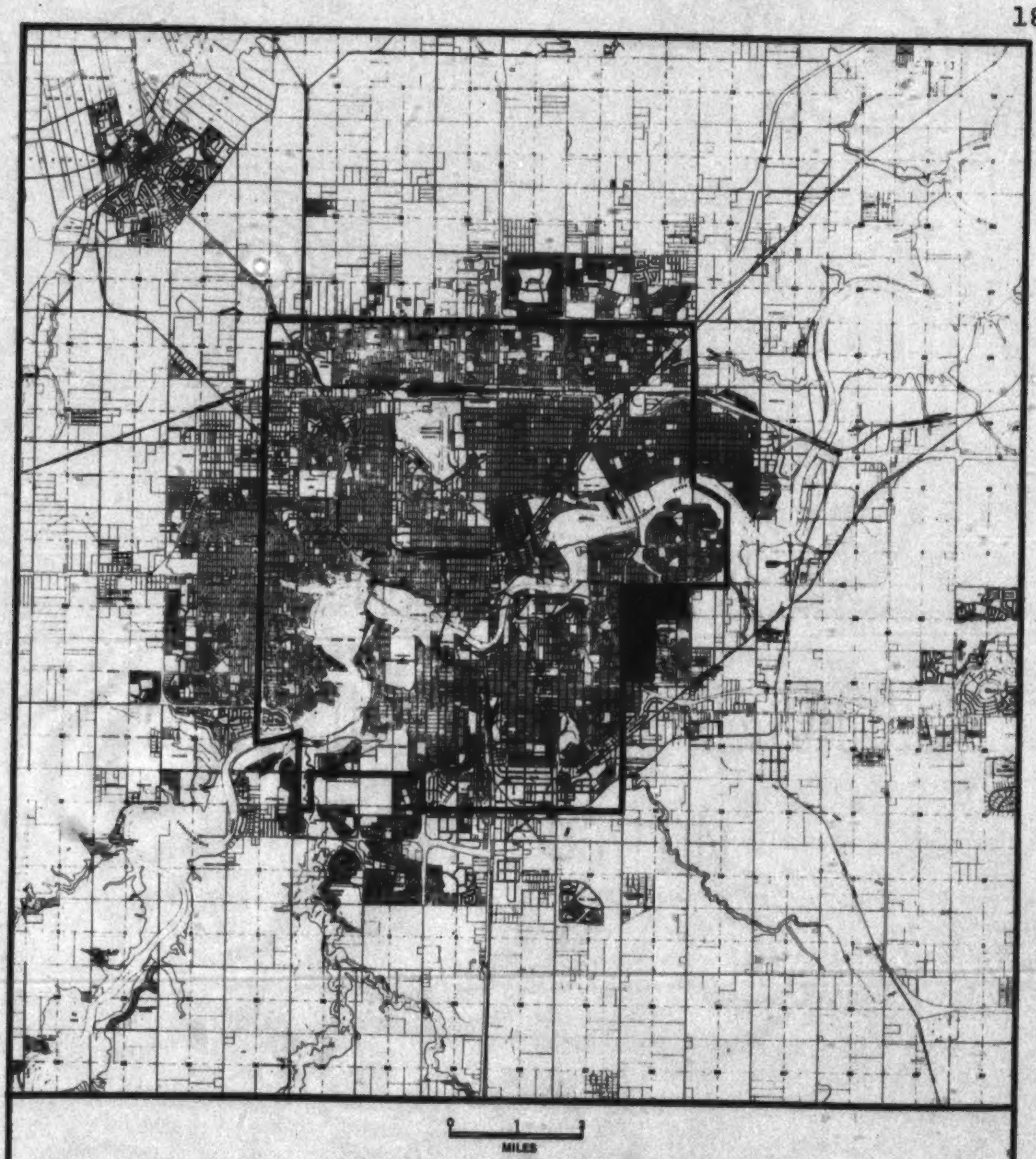

FIGURE 29

CITY OF EDMONTON (1973 Base Map)

ANNEXATION : OTTEWELL
DATE 1959 BOARD ORDER NO. 23460

■ AREA APPLIED FOR
■ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

a proposal by C.I.L. to have a buffer strip designated between the housing and the industry and along Highway 16.[22] Concern for air pollution was also expressed by Imperial Oil Limited, but they did not oppose the annexation.[23]

In all three annexations, the M.D. of Strathcona gave conditional approval. In the Hardisty Annexation six requirements were set out.

(1) The City should pay off all tax arrears in the area and be responsible for seeking reimbursement from the delinquent rate payers.

(2) The land owned by the M.D. should be assessed upon the same basis as other privately owned lands, but the taxes charged in 1954 would not be greater than if the area had remained in the M.D. This condition would expire when the area was serviced by the City.

(3) The City should purchase and operate the water transmission system installed by the M.D. in the Terrace Heights Subdivision.

(4) As of March 1, 1954, the City should assume responsibility for all receivers of assistance living in the area to be annexed.

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[22] Letter to B.P.U.C. from Lindsay, Emery et al on behalf of C.I.L., July 23, 1956.

[23] B.P.U.C. Board Order 18267, August 7, 1956.

(5) It was agreed that the City would need to build an additional sewage disposal plant on part of the area, and that the M.D. should be allowed to make use of this facility.

(6) School Board changes should not occur until the end of the current school year.[24]

These points were eventually agreed upon by the City of Edmonton and the M.D. of Strathcona.

In the Goldbar annexation the M.D. requested three conditions:

(1) The City had to maintain the General Outline Plan (July 5, 1955) which designated a buffer zone between the existing industry and the future housing area.

(2) A buffer zone 300 feet wide, should be established along the north side of Highway 16, so that industry could be permitted on the south side of the highway, as far as 50th Street.

(3) All taxes levied for 1956 should remain property of the M.D.[25]

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[24] Letter to the B.P.U.C. from City Solicitor, n.d.

[25] Letter from A. Hawkins, M.D. of Strathcona, to W.C. Elliott, Sec. of B.P.U.C., June 13, 1956.

In the Ottewell annexation the M.D. of Strathcona set three conditions:

(1) The City should assume responsibility for all welfare cases which were in the area at the time of annexation.

(2) The M.D. should retain ownership of properties which it already owned.

(3) The City was to purchase from the M.D. all outstanding taxes at the date of annexation on properties owned by private individuals.

The City also laid down some conditions, as seen in the agreement with the M.D. in the Hardisty annexation and in a request for a special frontage tax to cover replotting costs and the purchase of park and school sites in the Ottewell annexation are (this was only partially met by the Board).[26]

The Board's Decision and Order

In all three cases a hearing was held, though the need is not firmly established in the Hardisty and Ottewell cases. In the former, much of the required agreement between the parties was met privately (M.D. and City), and in the latter, the annexation was very straightforward.

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[26] Dale, op. cit., p. 309.

The board orders issued in each case corroborate the policies already mentioned as well as exposing new ones.

The Hardisty annexation order is in part a reiteration of established policies: that need be shown, that the land be suitable, and that there be agreement between the principal parties, but it also broke new ground.[27] In the first place, the Board made it plain that some concerns (such as fears of tax increases or of the imposition of City by-laws or of liability for the City's debenture debts) were not sufficient grounds for rejecting annexation applications. They can be regarded as normal negative externalities for residents coming under the City's jurisdiction. At the same time, the Board is usually prepared to provide some relief. For example, the Hardisty shopkeeper was given immunity from the early closing by-law for some time, and taxation was to be held down to the M.D.'s level until the benefits of annexation were realized. A second point that seemed to be influential with the Board was the fact that the City of Edmonton owned over half the land in the Hardisty annexation area. If the applicant is also the dominant landowner, the application is much simpler to process.

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[27] B.P.U.C. Board Order 15272, March 2, 1954.

The Goldbar Annexation Order likewise exposed a subjective policy of the Board. In this case it dealt with the concern over land use conflicts, as voiced by C.I.L. and Imperial Oil, and the related demands of the M.D. of Strathcona. The matter was dismissed in the following statement:

> ... the City of Edmonton is the proper authority to plan and determine what use should be made of any lands within its boundaries and to prohibit development in any area that might be hazardous to life or property or otherwise unsuitable.[28]

This statement is inconsistent with the Whitemud Annexation where the Board entered the condition that the land in question should be designated as parkland, although the City was no less "the proper authority" to determine land-use. Nevertheless, it is apparent that the Board did not deem it correct to involve itself with the internal affairs of a municipality after annexation. This may be cited as a further policy of the Board.

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[28] B.P.U.C. Board Order 18267, August 7, 1956.

THE DAVIES INDUSTRIAL ANNEXATION (1958)

Initiation and Approval of the Proposal

This annexation was initiated by the land owners and was applied for by the City of Edmonton. The land (Figure 30) was owned largely by Standard Iron and Engineering Works Limited who wanted to develop it into an industrial area.[29] Again there was very little opposition. The City approved subject to the condition that it not be obliged to provide services, facilities or amenities to the area until it was convenient.[30] As in the Pleasantview annexation, the M.D. of Strathcona wanted more land annexed so that the corporate boundaries of the City could be straightened.[31] This was apparently rejected by the City, since the request was later rescinded and three conditions identical to those in the Ottewell annexation were presented.[32]

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[29] Dale, op. cit., p. 308.

[30] Resolution of Edmonton City Council, mimeo, n.d.

[31] Letter from the M.D. of Strathcona to D. Menzies, City of Edmonton, March 20, 1957.

[32] Letter from the M.D. of Strathcona to A.F. MacDonald, City Solicitor, Nov. 6, 1957.

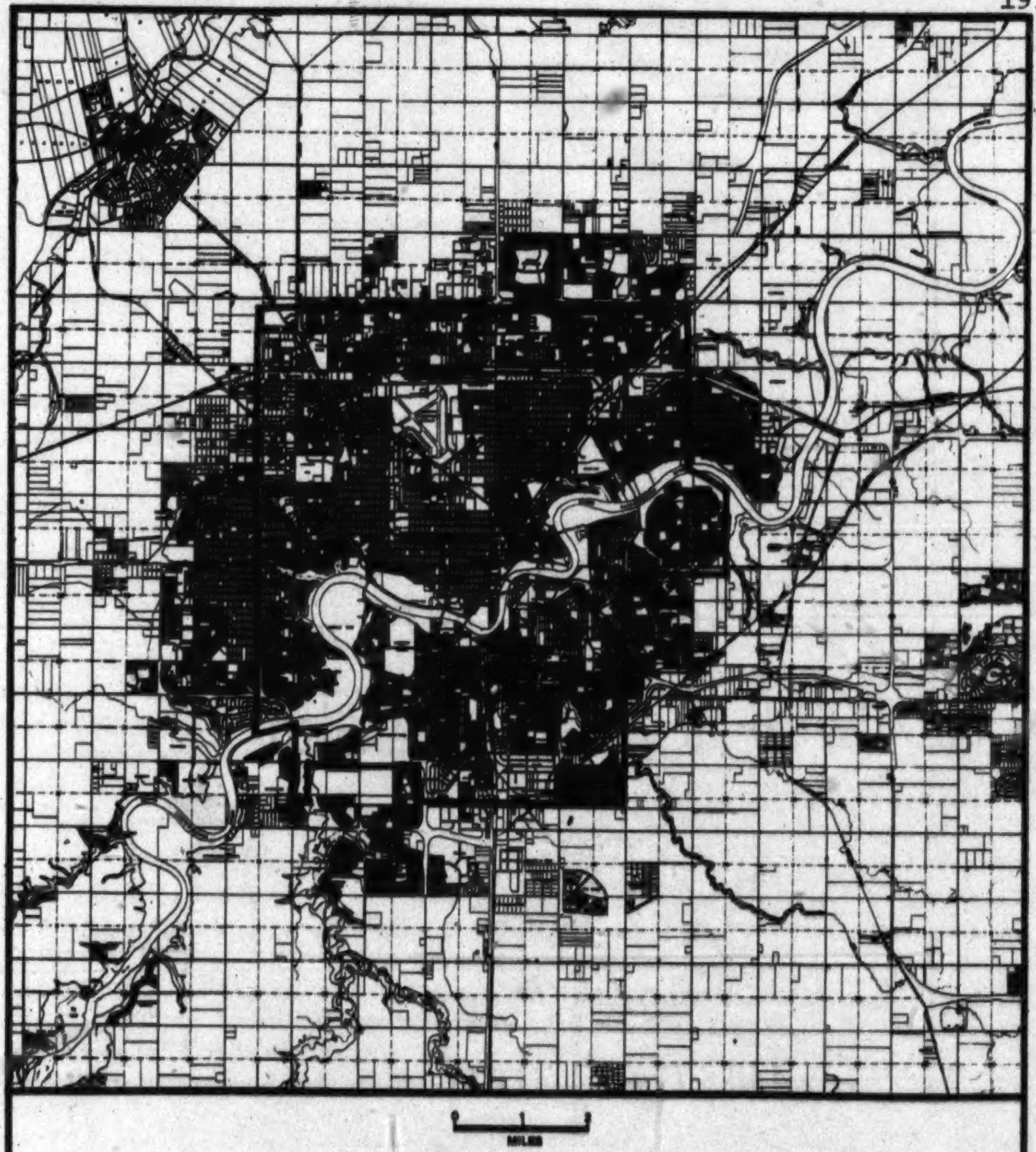

FIGURE 30

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: DAVIES INDUSTRIAL
DATE 1958 BOARD ORDER NO. 21762

▬ AREA APPLIED FOR
▬ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

The Board's Decision

Subsequent to the hearing, the Board approved the annexation in Board Order 21762, setting out four conditions which became "standard" conditions in later orders.

> 1. It is a condition of this Order that all small holdings occupied by veterans under the provision of the Veterans Land Act are to be assessed on the same basis of assessment as would be applicable to them had such parcels remained in the Municipal District of Strathcona No. 83, and the maximum rate which the City may tax such lands shall be the mill rate of the City of Edmonton or the Municipal District of Strathcona No. 83, whichever is the lesser. At the expiration of 10 years from the date of the Veterans Agreement or at such time as a veteran is entitled to take title and dispose of his holdings or part thereof, such holdings or part thereof shall be assessed and taxed in the same manner as other properties within the City.
> 2. It is further ordered that any parcel of land 8 acres or more from which the tenant or owner derives an income sufficient to provide his principal livelihood from the production of crops or livestock or from fur production, bee Keeping or hog ranching, shall be assessed as farm lands and shall be taxed at the current mill rate prevailing within the City and the buildings and improvements necessary for the said operations shall be exempt from taxation.
> 3. All of the foregoing is subject to the general condition that, exclusive of any rate necessary to raise the level of local improvements abutting any parcels of land in the said area to which the City has not made water and sewer available will not represent an increase over the taxes that the parcel would be liable for had the area remained in the municipal district. As soon as the city has made water and sewer available to any parcel of land within the said area then normal city taxes subject to the foregoing conditions, will apply to that parcel.

> 4. In the event that the Municipal District of Strathcona No. 83 and the City of Edmonton fail to come to any agreement as above indicated either party may apply to the Board.[33]

The source of the four standard conditions is found in the Calgary experience, which will be discussed later.

Another factor that influenced the Board in its decision is conveyed by the following observation made by the Board:

> ... while there is a need for the annexation of the area and it is particularly suitable for the purpose to which it is to be put, it will be some time before the entire area is fully developed, and in the meantime the taxpayers in the undeveloped portion will not be receiving much more in the way of services from the City than they have been receiving from the municipal district.[34]

This observation is stated in most of the later board orders and suggests that even though the entire land is not needed immediately, there is accordingly no immediate impending inconvenience (raised taxes and development) to the residents and therefore no need for the Board to refuse the proposal.

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[33] B.P.U.C. Board Order 21762, April 15, 1958.

[34] Loc. cit.

THE SOUTHWEST ANNEXATION (1960): THE FIRST LARGE ANNEXATION IN EDMONTON

Initiation and Application of the Proposal

This was the first large annexation that the City attempted after 1913. All the lands were privately owned and, as was generally the case, it was the land owners who first initiated the annexation proceedings, while the City made the application.[35] Before the annexation, 485 acres of the land were sold to the City for park use.[36] Eight other sections of land; that were recommended by the McNally Commission for annexation were also available for annexation and they were accordingly applied for (Figure 31). As well, land owners to the east of the Calgary Trail (Highway 2 South) requested to have their land included.[37] The stimulus for the initiation of the addition in all cases was an exception of pending urban development.

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[35] City of Edmonton Commissioners Report to Council, No. 5, Dec. 10, 1958.

[36] Dale, op. cit., p. 310.

[37] B.P.U.C. Board Hearing Minutes, Southwest Annexation, Vol. 1, Nov. 2, 1959, p. 10.

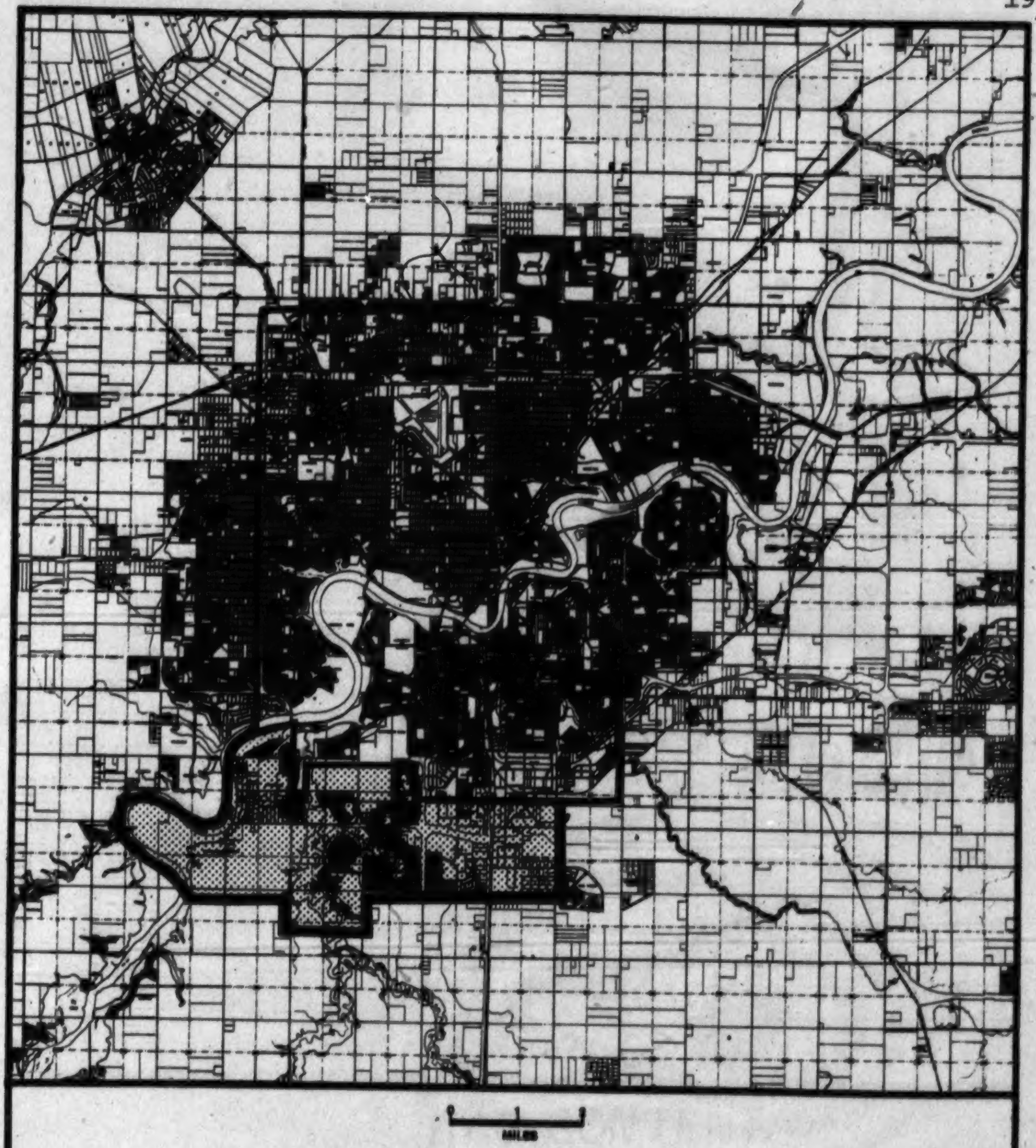

FIGURE 31

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: SOUTHWEST
DATE 1960 BOARD ORDER NO.24581

▬ AREA APPLIED FOR
▨ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

Approval of the Proposal

Consent was obtained from all parties. The City formally introduced the following conditions:

> That all plans that are registered for any part of the area must have prior approval of the City technical and planning authorities. And secondly, that in the year following appropriation of the land into the City, regular City taxes for comparable land will be assessed to the land. And then we request that as a condition of annexing the land ... the authority for the City to assess a ninety cents per front foot tax against the frontage of all lots that will be within subdivisions that are registered; so that ninety cents frontage charge can cover ... survey costs and the preparation and registration of plans the expenses of City planners and the Land Department in assembling the material for this application and seeing the plans to completion, the acquisition cost of two percent more of public land, and this ninety cents per foot would be ... collected by the City over a period of five years. The City does not undertake to provide utilities by any predetermined date to any part of the area that is now proposing to annex.[38]

Trans Mountain Oil Pipeline Company gave approval subject to the exemption of the pipeline from assessment and taxation by the City. At the least, they asked to have some say in the "method and quantum of assessment and the rates of taxation which may be imposed by the City."[39]

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[38] A.F. Macdonald, Board Hearing, op. cit., pp. 11 - 12.

[39] Submission by Trans Mountain Oil Pipeline Company to the B.P.U.C. November 25, 1959.

As well, the University of Alberta requested that their farm lands not be subject to local improvement or frontage tax, and that so long as the land continued to be used for University purposes, it should be exempt from the City's land use regulations.[40]

The Board's Decision

The Board Order was put into effect subject to a number of conditions, many of which were standard. However, the Board introduced one new condition with respect to the taxation of small holdings. They ruled that the owner or tenant of a parcel of eight acres or more engaged in agricultural activities who "does not derive his principle livelihood from the production of crops, livestock ..." and so on, would be assessed on a different formula than that used for occupiers whose principal income was obtained from the land.

> (a) That portion of such parcel upon which the dwelling house and other improvements are located together with a reasonable yard area shall be assessed and taxed as a residential lot having due regard to urban services available thereto.
> (b) The remainder of such parcel as farmlands. Such parcels shall be taxed by applying thereto the current mill rate of the City.[41]

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[40] Submission on behalf of the Board of Governors to the University of Alberta, no date.

[41] Board Order 24581, April 22, 1960.

In another condition it was stated that agricultural activities would not be subject to the business tax levy of the City. As well, part of the University's request was honoured, but there was no mention of immunity from certain City by-laws. The Board also stated that the order was given on the understanding that the City of Edmonton and Calgary Power Limited would have resolved all problems between them.

The conditions of assessment concerning the Trans Mountain Oil Pipeline Company and the City were considered at the hearing. The Order was also given on the understanding that the City was authorized by the Town and Rural Planning Act to levy a special frontage tax on all properties within the annexed area.

The southwest annexation exposed some new standard conditions and corroberated many of the established policies, but it did not mark any significant change of attitude. Once again, though, it indicated the concern the Board showed for all parties in an annexation through the issuance of protective conditions. The "split tax" approach on agricultural land protects both the City and the owner. Where the owner earns his living from the land he is not required to pay excess taxes. Where the resident does not earn a living from the land, taxes must be paid at City levels on the residence on the land. A similar approach was taken with the V.L.A. lands.

ANNEXATION POLICIES IN CALGARY: AN APPROACH TO COMPREHENSIVE ANNEXATION AND AMALGAMATION

(1946 - 1960)

Although the first few annexations in Calgary were definitely piecemeal in nature, (1951, 1952 and 1954) the overall approach taken by the City of Calgary has been to annex increasingly larger parcels of land. This is in contrast to the City of Edmonton where only one annexation (southwest 1960) may be considered as comprehensive.

As in Edmonton, the piecemeal annexations were not initiated by the City but by residents, land owners or developers. Conversely, the large annexations which took place during and after 1954 were all initiated by the City of Calgary when it was realized there was a need for more residential and industrial land. This foresight of the City of Calgary, and its prompter reaction to anticipated growth has, to this day, relieved the City of land problems such as have been experienced by the City of Edmonton, which was slow to annex territory even at the height of the growth period (1950 - 1960). However, this is not to say that Calgary was apt to annex any territory that became available. Indeed, the first few private attempts in the late 1940's and early 1950's were thwarted by the City on the basis that there was no need for the land. It should be noted, however, that these were partially developed residential areas, with poor standards of servicing and housing, which were not welcomed additions to a growing city. These are general characteristics of annexations initiated by residents in both cities. As low status areas, they looked to annexation to relieve them of their many disadvantages.

The territorial growth of Calgary during this period is in contrast to the unidirectional expansion of the City of Edmonton. Calgary grew substantially to the south, west and north; and its expansion involved all of the rural municipalities adjacent to the City. As in Edmonton, the relationship was an amicable one, with few annexations being directly opposed by the peripheral jurisdictions.

In both Edmonton and Calgary, there was no substantial opposition from _de_ _jure_ or _de_ _facto_ territories, either urban or rural. One might therefore consider the 1946 - 1960 period in both cities as being the period of growth without obstruction.

THE CEEPEAR, SOUTH-HILL OGDEN, ALBERT PARK, (1946 - 1947), CEEPEAR-SHAUGHNESSY HEIGHTS (1951) AND ROSSCARROCK (1952) ANNEXATION BIDS: REFUSED AMALGAMATIONS AND ANNEXATIONS[42]

The first three post-war annexation and amalgamation attempts (Figures 32, 33 and 34) were refused by the B.P.U.C. because of strong opposition from the City of Calgary. There was a great deal of similarity among them.

(1) The areas under consideration were developed residential territories, with little raw land for future building.

(2) All of the areas were "substandard" from the point of view of housing quality, service supply and financial liability.

(3) The residents in all of the areas were the initiators and applicants of the bids.

(4) All of the bids were based on improving the economic and environmental circumstances of the residents, with little benefit accruing to Calgary.

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[42] The records for the 1946-47 annexation bid are largely incomplete and thus some logical inferences will be made.

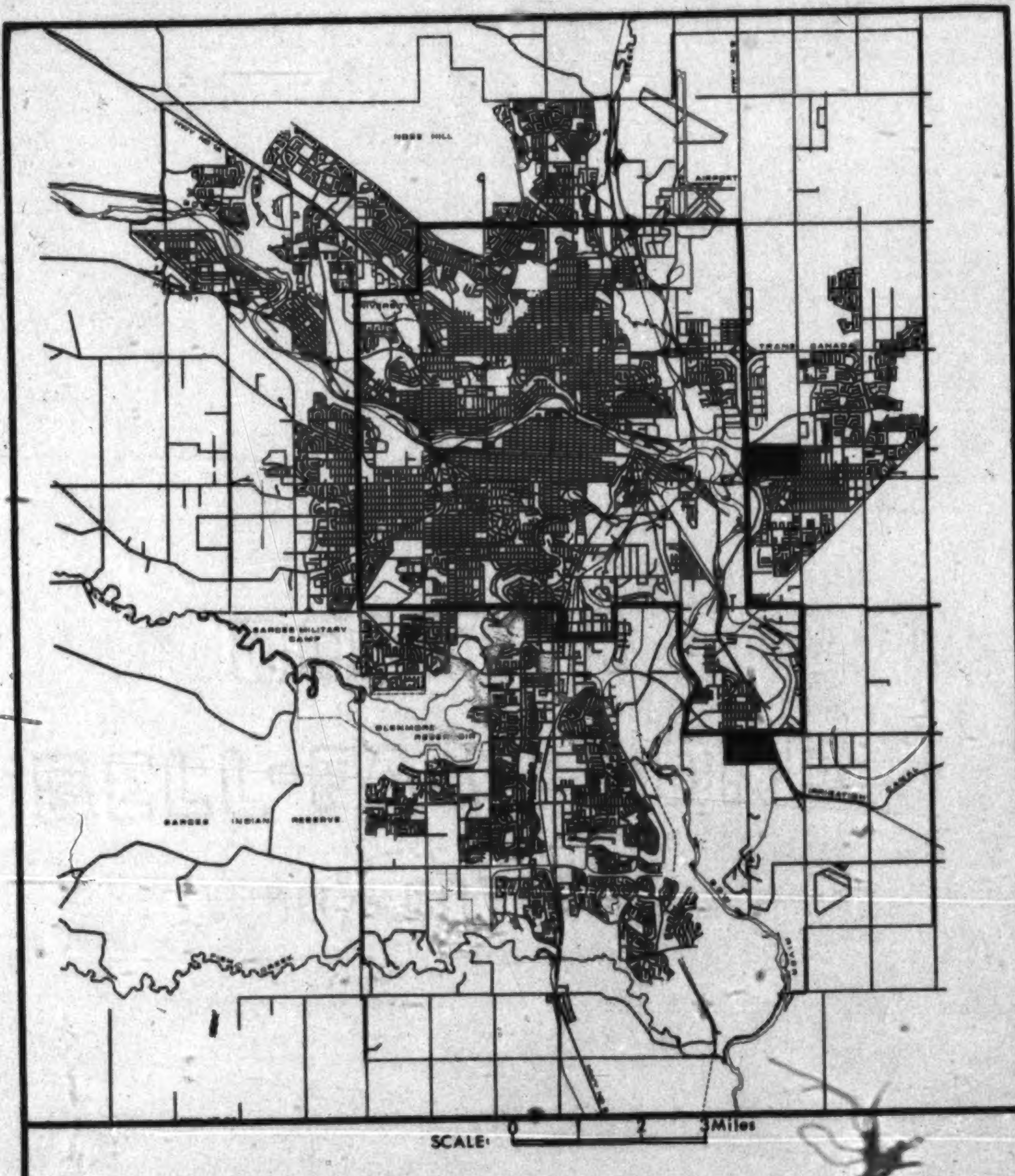
NOSE HILL
AIRPORT
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
SCALE
0
1
2
3 Miles

FIGURE 32

CITY OF CALGARY (1973 Base Map)

ANNEXATION: CEEPEAR, OGDEN, ALBERT PARK BID
DATE 1947 BOARD ORDER NO. DECISION

▬ AREA APPLIED FOR
none AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

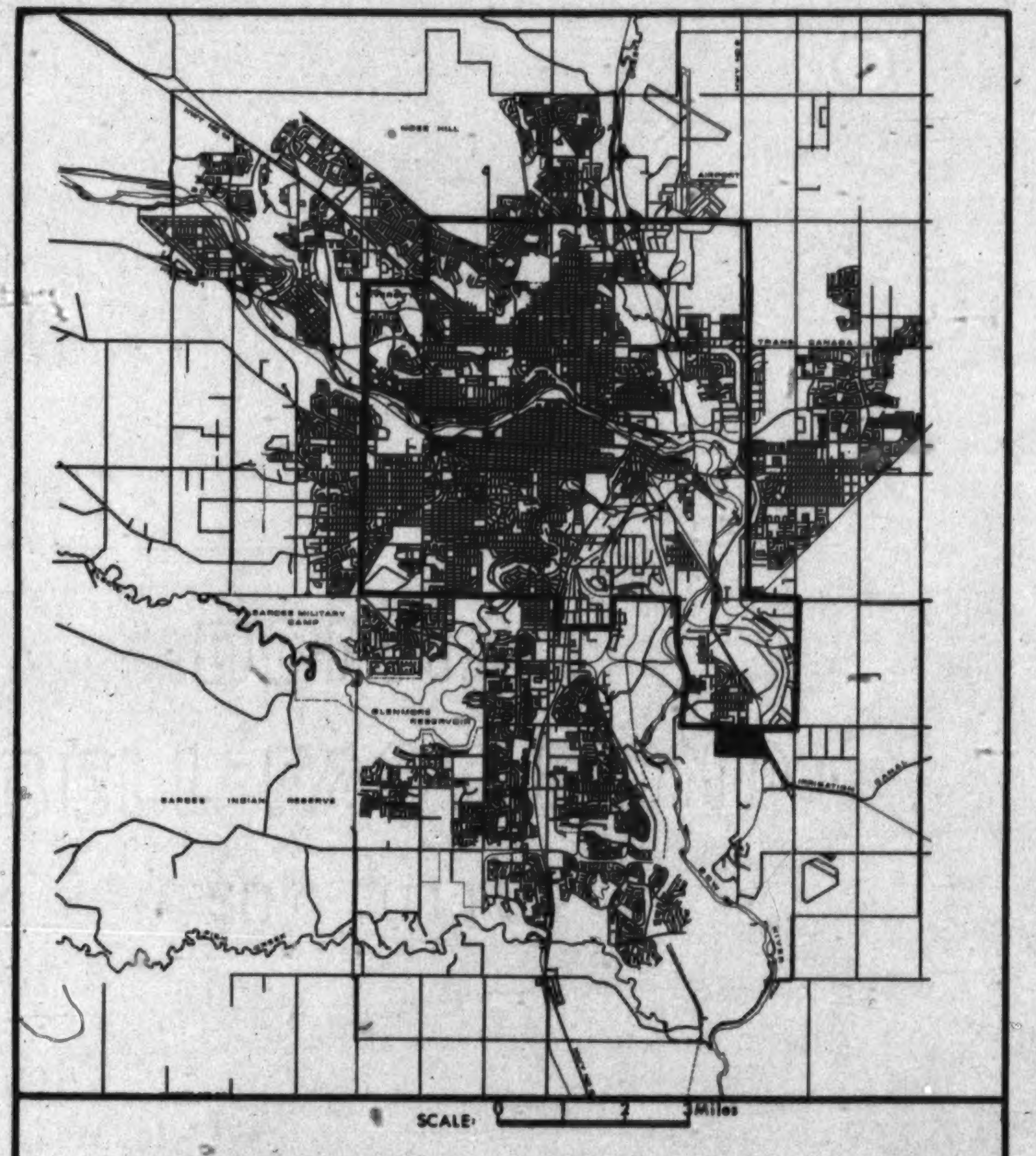
NOSE HILL
AIRPORT
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
SCALE: 0 1 2 3 Miles

FIGURE 33

CITY OF CALGARY (1973 Base Map)

ANNEXATION: CEEPEAR, SHAUGHNESSY BID
DATE 1951 BOARD ORDER NO. DECISION

■ AREA APPLIED FOR
none AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

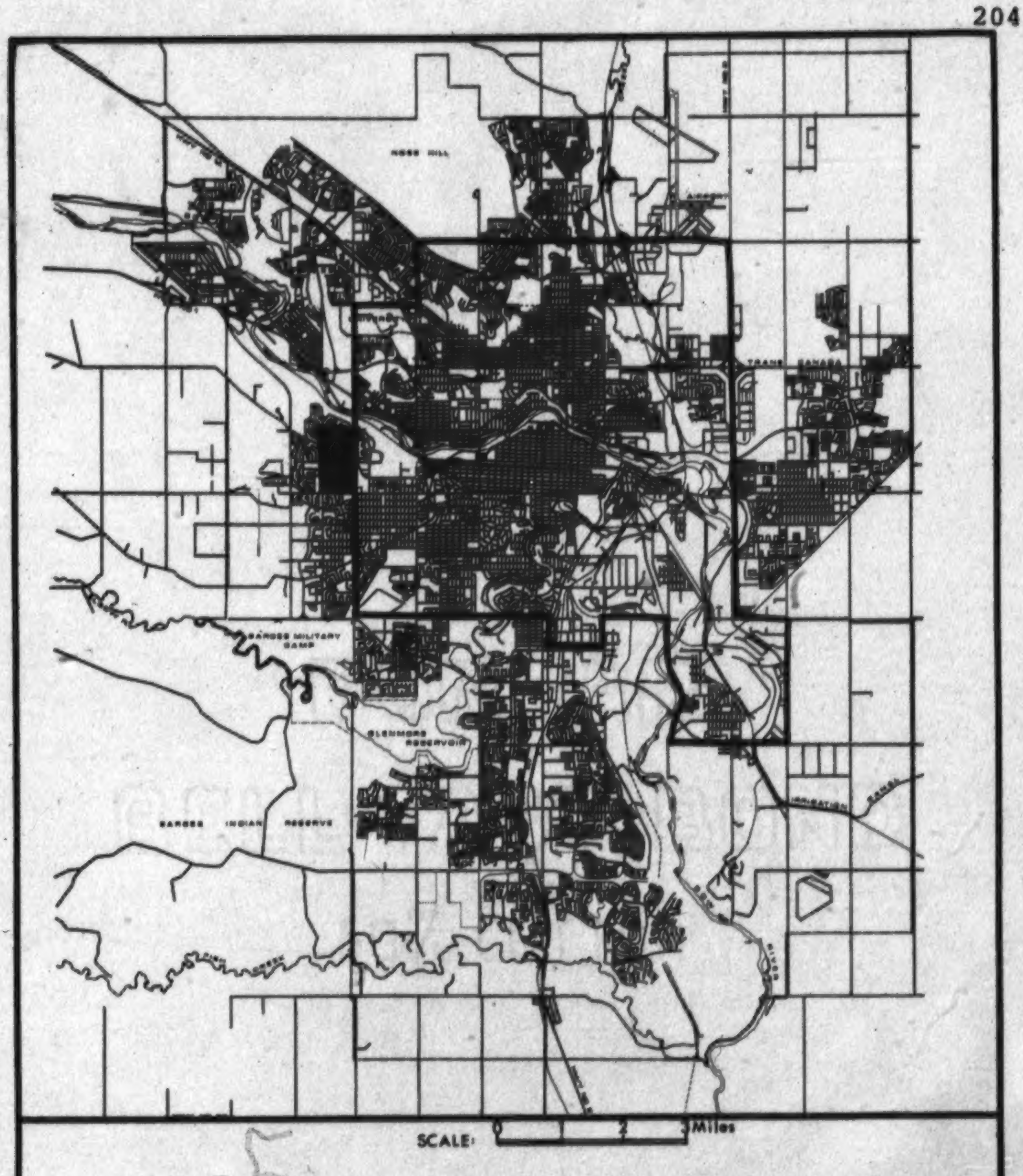
NOSE HILL
AIRPORT
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
SCALE: 0 1 2 3 Miles

FIGURE 34

CITY OF CALGARY (1973 Base Map)

ANNEXATION: ROSSCARROCK
DATE 1952 BOARD ORDER NO. NONE

▬ AREA APPLIED FOR
none AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

THE ALBERT PARK, SOUTHHILL-OGDEN AND CEEPEAR BIDS, 1946-47

Approval of and Opposition to the Proposals

Albert Park was part of the village of Forest Lawn, from which it had to be separated before it could be annexed to the City of Calgary.[43] Consent was obtained from the Village Council on condition that the Albert Park ratepayers pay for their share of debts owed by Forest Lawn.[44]

The Southhill-Ogden and Ceepear districts were in the M.D. of Conrich No. 44, just south of the Calgary City limits. Both applications were initiated by the residents with the consent of the M.D. In the latter case, it was particularly argued that the rate payers were serviced by City utilities, that they mostly worked in Calgary and that they did most of their shopping in Calgary.[45]

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[43] Petition of the landowners of Albert Park Subdivision, to the B.P.U.C., August 23, 1946.

[44] Letter from J.M. Baillie to the B.P.U.C. on behalf of the Council of Forest Lawn, Sept. 21, 1946.

[45] Letter to G.A. Thiebault, Secretary, B.P.U.C. from the Ceepear District, July 10, 1946.

All petitions were strongly opposed by the City of Calgary on the grounds that the land supply within the City was adequate for several years, and that it would be too costly to extend utilities into the new areas.[46] The City felt that their own residents who did not yet have sewer and water services should receive them before the City expanded any further. There was also an impression that the suburban residents bought their homes to escape higher City taxes, but once the tax differential disappeared they wanted the extra services of city residence. It was suggested that they move their homes into the City rather than have utilities extended. Finally, the City feared to set a precedence for the annexation of other similar areas.[47]

The Board's Decision

On February 1, 1947 the Board issued two decisions, one concerning the annexation of Albert Park Subdivision and the other concerning the Ceepear District and Southhill Ogden.[48] In both cases the applications were refused.

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[46] Letter from D.S. Moffat (City of Calgary) to the B.P.U.C., December 12, 1946.

[47] B.P.U.C., Decisions, Feb. 1, 1947.

[48] *Loc. cit.*

The Albert Park annexation petition was refused by the Board for the following reasons.

> It is evident to the Board that inclusion of the area in question is not required because of any need for building sites within the present limits of the City.
>
> Section 140 of the Public Utilities Act gives the Board power to annex any adjacent territory to a City upon the petition of either the City Council or of the land-owners of such territory. The Board considers that it is required by, or is for the benefit of, both the City and the area to be included. It is considered that the Board would require very good reasons before adding an additional area to an urban locality which is not willing to receive such addition. The Board is convinced that the present application is motivated by the understandable desire of the petitioners to obtain the advantages possessed by the residents of the City in the way of transportation, water, sewer and other facilities, but the Board does not consider this to be a sufficient reason by itself for inclusion of the area over the objection of the City. Albert Park Subdivision is already part of the incorporated Village of Forest Lawn, and is in a position to secure utilities through that Village.
>
> The Board considers that in fairness to the present ratepayers of the City it should not extend the already over-extended boundaries of the City when there are still areas included therein which are suitable for any required expansion. The application is therefore refused.[49]

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[49] *Loc. cit.*

The application of Southhill Ogden and Ceepear was refused in a similar vien. Indeed, much of the decision read identically, though the following additional reasons were given:

> The area in question is already served by all utilities of the City except sewer, but its inclusion will put some responsibility on the City for maintenance and renewal of these services, and the Board does not consider that there has been sufficient reason shown for placing this added burden on the present rate-payers of the City. This area appears to have sufficient buildings therein occupied as dwellings to support an application by the residents for incorporation as a village, and this step would appear to meet their objection that they, at present, have not a sufficient voice in the management of their own affairs. The Board further considers that to add small areas of this kind to the limits of the City interferes with an orderly development of the City and with proper town planning.[50]

Discussion

From these decisions a number of important policies are made explicit.

(1) The Board requires proof of need for an annexation. In these cases, not only did Calgary not need the territory but the Board appeared to be of the opinion that annexation was not necessarily the answer for the problems of the applicants.

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[50] *Loc. cit.*

(2) It was stated that the Board considered total agreement between the anexee and the annexor as very important in annexation.

(3) The desire for urban services and amenities was not considered by the Board to be a strong reason for countering the unwillingness of a city to annex an area.

(4) The Board was of the opinion that an annexation should benefit both the annexee and the annexor. In this case, the City, due to the costs of utility extensions and so on would have been the victim, accruing no real benefit from teh annexation.

(5) The Board opposed the piecemeal annexation of territory because it was not consistent with orderly planning and development.

THE CEEPEAR AND SHAUGHNESSY HEIGHTS ANNEXATION BIDS (1951)

Initiation and Application of the Proposal

Residents of Ceepear and Shaughnessy Heights applied again for inclusion into the City of Calgary in 1951.[51] The application was made on the basis that there was no sewerage and only some water service which could not be extended in the area, that police protection was not as good as in the City and that fire protection was poor because of low water pressure.[52]

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[51] City Commissioners Report, Clause 1, Aug. 31, 1951.

The Board's Decision

The City again opposed the annexation bid and it was subsequently refused by the Board.[53] The Board was inclined to the viewpoint that the state of the Ceepear area was the residents' own doing since they initially located away from the City where taxes are lower, the cost of lots was less and building restrictions were less stringent. The Board also made note of the fact that, if the annexation was allowed, the City's boundary would extend far south, forming an isolated development ribbon which would be expensive to service and which would make planning and controlled development all the more difficult. Again, reference was made to the fact that there was ample room in the City for growth, and, that large areas of the City were yet to be serviced.

The Board also pointed out that though the annexation was primarily petitioned for in the hope that water and sewer services would be obtained, there was no guarantee that they would be available for many years.

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[52] Board Decision, Ceepear, Shaughnessy Heights, Dec. 8, 1951.

[53] *Loc. cit.*

> In the Board's opinion sewage disposal is an important element ... and while the Board is sympathetic it must be pointed out that the applicants' position is largely one of their own making. The Board is, therefore of the opinion that the time is not ripe for the annexation of this area to the City.[54]

THE ROSSCARROCK ANNEXATION BID OF 1952

Initiation and Application of the Proposal

This annexation attempt was initiated by the Rosscarrock Ratepayers Association on February 2, 1952.[55] The bid was made out of concern for public health due to poor sewer facilities, as was the case with many similar annexation attempts.[56]

Approval of and Opposition to the Proposal

Even though there was a majority petition of residents and the M.D. of Springbank approved the annexation proposal, the Ratepayers Association was advised that there would be little hope of the annexation being approved by the B.P.U.C. if the issue was carried to a public hearing.[57] This was because of the high costs that would have been incurred by the City ($32,000) plus the cost of water and sewage supply and other improvements. Not surprisingly, the City strongly opposed the annexation.

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[54] *Loc. cit.*

[55] Letter from J. Reimer, Rosscarrock Ratepayers Association, to B.P.U.C. February 2, 1952.

[56] Letter from G.E. Edgley to B.P.U.C. March 10, 1952.

No hearing was subsequently held, nor was there an order posted. The case was so strong against the annexation that the Board did not even deem it fit to proceed.

THE MEADOWLARK PARK ANNEXATION 1954: AN ANNEXATION WITHOUT A HEARING

Initiation and Application of the Proposal

Other than the Rosscarrock bid, this was the only annexation bid in Calgary without a hearing (Figure 35). It was initiated by Art Sullivan and Company Limited, in September 28, 1954. Their application to the City suggested that the land was a natural extension of the City for residential purposes, that 35 acres could be serviced without any capital outlay by the City, that the rates for water, light and gas would be cheaper, and that the developer would like the potential residents to have the

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[57] Letter from the Secretary of the B.P.U.C. to G. Edgley, June 27, 1952.

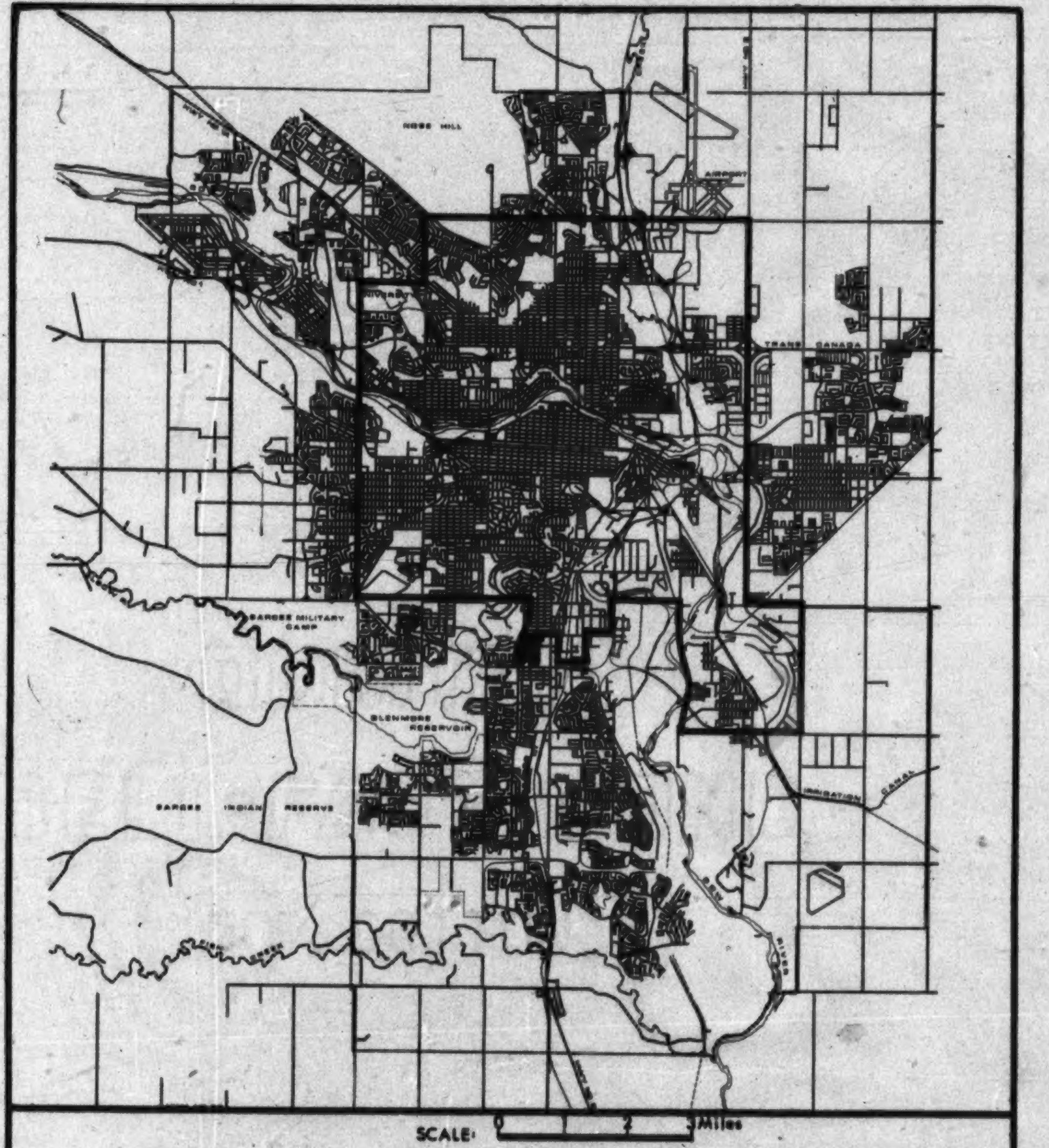
NOSE HILL
AIRPORT
UNIVERSITY
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
SCALE: 0 1 2 3 Miles

FIGURE 35

CITY OF CALGARY (1973 Base Map)

ANNEXATION: MEADOWLARK PARK

DATE 1954 BOARD ORDER NO. UNKNOWN

▬ AREA APPLIED FOR
▬ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

social services and conveniences offered by the City of Calgary.[58]

Approval of the Proposal and the Board's Decision

There was no opposition expressed by the parties involved and consent was given by the M.D. of Springbank, the Calgary District Planning Commission and the City of Calgary.[59]

The annexation was approved by the B.P.U.C. without a hearing on February 23, 1955. There were no conditions in the order.

PIECEMEAL ANNEXATIONS: THE ANNEXATION OF WINDSOR PARK (1951), THE MEADOWS AND MANCHESTER (1952).[60]

From the point of view of piecemeal annexation, the Meadowlark Park annexation should also be included with these two annexations. All three areas were close together in the central portion of Calgary's southern boundary, as can been seen in Figure 36. They have been deemed piecemeal since they were the smallest annexations in Calgary during the 1947-1960 period.

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[58] Letter from Art Sullivan to the B.P.U.C., September 28, 1954.

[59] Letter from R.F. Laurence to Art Sullivan, January 11, 1955.
Letter from R.F. Laurence to W.C. Elliot, Sec. B.P.U.C. February 11, 1955.
Affidavit of C.B. Cummer, Feb. 14, 1955.

[60] The Meadows was also called Windsor Park No. 2 or simply a part of Manchester.

Initiation and Application of the Proposals

Windsor Park, The Meadows and Manchester were initiated by the majority of the residents in the areas, chiefly in reaction to their poor services. Their concerns were similar to those expressed in the Ceepear Annexation bids: the risk of health problems due to the proximity of shallow wells and septic tanks, the inability to provide a school although the school age population was growing, dissatisfaction with being an urban community in a rural administration (Springbank M.D. No. 45), and inadequate fire protection. These were summed up in a suggestion that the area should be annexed since they were near similar communities that were supplied with utilities by the City of Calgary.[61]

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[61] Letter from the Windsor Park Association to B.P.U.C., no date (H. Munro)

Application to B.P.U.C. by R.C. Dymond for the residents of the Meadows, no date, mimeo.

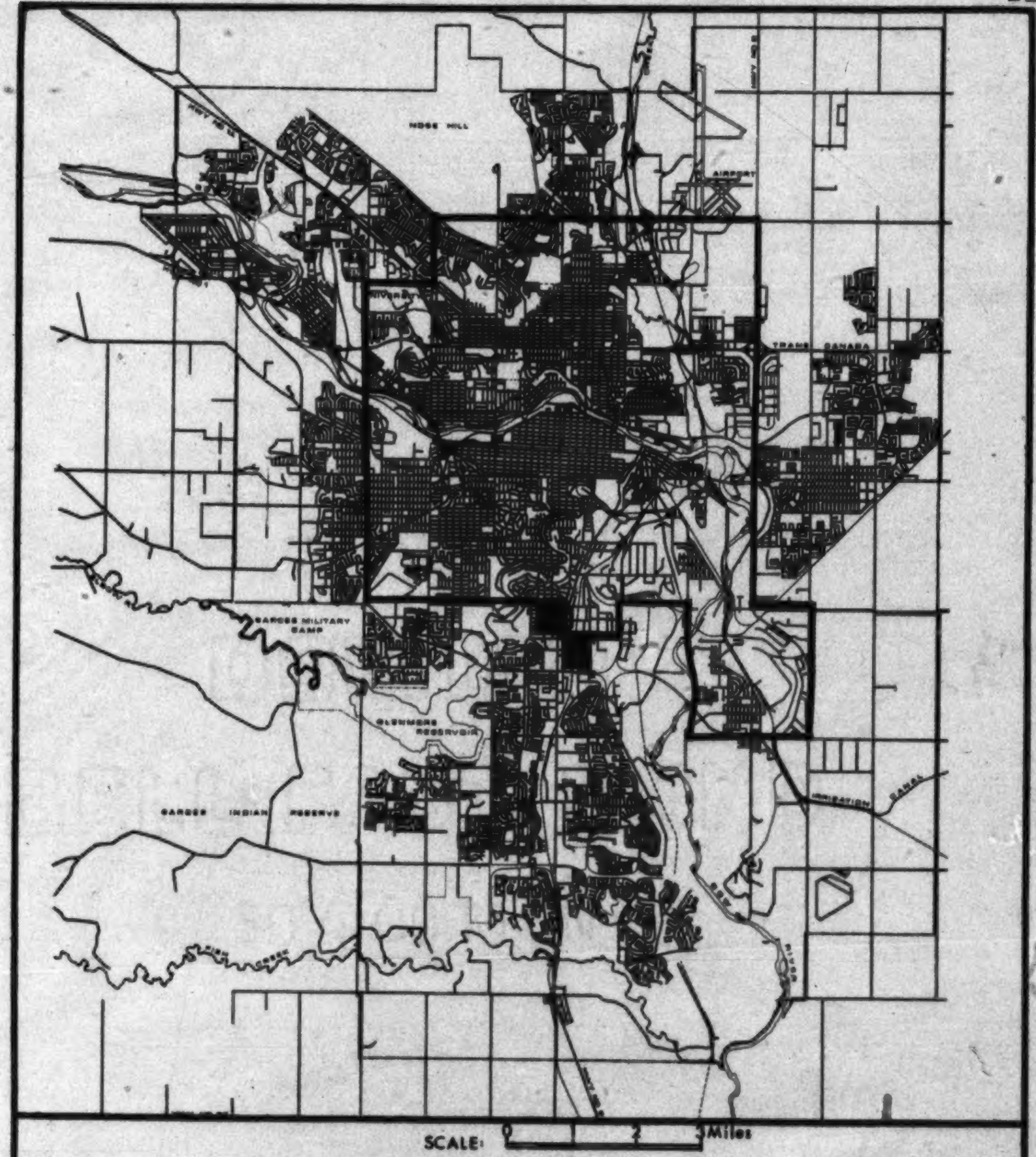
NOSE HILL
AIRPORT
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
SCALE: 0 1 2 3 Miles

FIGURE 36

CITY OF CALGARY (1973 Base Map)

ANNEXATION: PIECEMEAL
DATE 1951–52 BOARD ORDER NO. 13259 and 13468

■ AREA APPLIED FOR
■ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

The Board's Decision

The application for annexation of Windsor Park was approved by the Board, though it is not clear whether Calgary opposed the annexation or why the Board should approve. There were many points of similarity between the Ceepear and Windsor Park situations. The only real difference was Windsor Park's closer proximity to the City, in an area that was experiencing growth pressures.

The application for the Meadows was expanded at the request of the City to include the whole of quarter section 34-23-1-W5th. This was because the City wished to acquire jurisdiction over some land to the east of the C.P.R. tracks suitable for industrial purposes.[62] The enlarged annexation was approved by the B.P.U.C., but in two stages. The first (Board Order 13259) annexed the original area applied for on August 18, 1951. Then, after an engineering report from the City of Calgary, the Board ordered the area to the east of the B.P.R. tracks to be annexed (Board Order 13468).

In both annexations, the Board ordered the City of Calgary to take over the responsibility for collecting unpaid taxes and reimbursing the M.D. of Springbank.[63]

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[62] Letter from C.M. Bredin, Solicitor for Calgary to B.P.U.C. March 9, 1951.
Letter from E.M. Bredin to J.M. Miller, City Clerk, March 2, 1951.

Discussion

The similarity between the two annexations and those refused just a few years before, raises the obvious question of why they should have been treated differently. The main reason appears to be that Calgary did not approve these additions, which suggests that the City did not view them as logical growth areas for the immediate future.

THE LARGER ANNEXATIONS: ANNEXATION OF LANDS WEST AND NORTH OF CALGARY (1954), CALGARY'S NEED FOR RESIDENTIAL LAND APPEARS

Initiation and Application of the Proposal

While Edmonton was still dealing with minor annexations, despite a pressing shortage of building land, Calgary initiated a major program of territorial growth.[64] As a first step, in 1954, the City applied for a quarter section of land (N.E. 12-24-2-W5th) to the west in the

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[63] Board Orders 13259 and 13468, B.P.U.C.

[64] Recommendation of Special Land Committee to the City Commissioners, January 29, 1954.

M.D. of Springbank and a full section (31-24-1-5) north of the City. The former area was later expanded at the request of the Calgary District Planning Commission (Figure 37).[65]

Although there was some residential land available within the city limits, it was possible through agreements with private developers, to supply services more cheaply to the land that was being applied for. The city also advanced the argument that the land would be developed according to City bylaws and regulations giving better control over development.[66]

Approval of the Proposal

A private developer, the Kelwood Corporation consented to the annexation, but requested that the order, if made, be back-dated to before redevelopment of their existing land in the area so as to eliminate tax and servicing problems.[67] The M.D. of Springbank opposed this request since agreement had already been made setting the date for annexation in December of 1954. Since the M.D. had already

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[65] Letter from R.F. Laurence, Calgary District Planning Commission to the B.P.U.C. May 3, 1954.

[66] Recommendations of Special Land Committee to the City Commissioners - op. cit.

[67] Letter from E.H. Davis, President, Kelwood Corporation, to R.D. Henderson, Chairman, B.P.U.C. July 27, 1954.

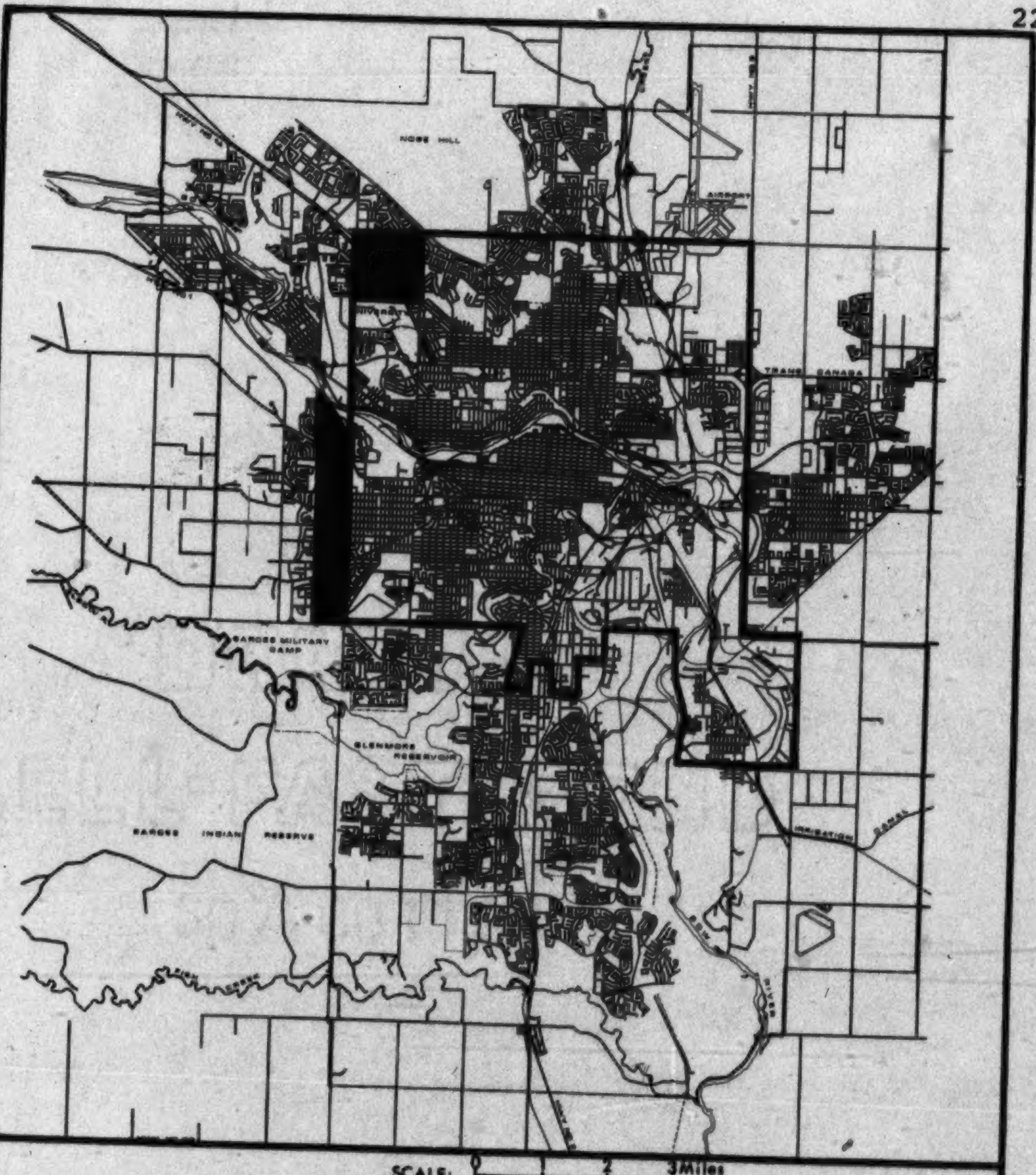
NOSE HILL
AIRPORT
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
FISH CREEK
SCALE: 0 1 2 3 Miles

FIGURE 37

CITY OF CALGARY (1973 Base Map)

ANNEXATION : LANDS WEST AND NORTH
DATE 1954 BOARD ORDER NO. 15833

▬ AREA APPLIED FOR
▬ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

assessed and collected taxes in the area for 1954 there would be no financial strain on the Corporation.[68]

The Board's Decision

The B.P.U.C. approved the request by the City in Board Orders 15833 and 16079 (a slight amendment of 15833) in which they entered the standard conditions conerning the protection of agricultural and Veteran Land Act holdings. This is the first order, including those of the City of Edmonton, in which these standard conditions were used. Unfortunately, the records are too poor to indicate why. It must therefore be assumed that some question concerning the taxation of the two types of land may have come up through private correspondence to the Board or through the hearings. No record of the hearings was available.

THE ANNEXATION OF LANDS TO THE NORTH OF THE CITY (1955, BACKDATED TO 1953): MORE RESIDENTIAL LAND IS ADDED

Initiation and Application of the Proposal

The short supply of reasonably priced land for building contractors and developers, combined with the

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[68] Letter from R.F. Laurence, Secretary Treasurer, M.D. of Springbank, to R.D. Henderson, July 31, 1954.

City's desire to simplify the procedure for servicing residential areas and to increase their control over such development, led to the application by the City for the lands shown in Figure 38.[69] The City also wished to allow for the expansion of the Calgary Airport to the east and to promote orderly development through control of City by-laws and regulations.[70]

Approval of and Opposition to the Proposal

Although the annexation was supported by most of the involved parties, there was strong opposition from residents in two sections (2 and 3-25-1-W5th) in the eastern portion of the to-be-annexed land. They opposed the bid because they were mink ranchers, market gardeners and feed lot operations. They saw their activities as being incompatible with residential development, and were therefore afraid that they might be forced to give them up. They also admitted that they wished to be spared the City's by-laws and regulations, and the higher assessments and property taxes that incorporation would bring. The services that they required would not be commensurate with the taxes

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[69] Clause 7, Commissioner's report, January 29, 1954.

[70] Mimeo B.P.U.C. stating reasons for the annexation, no date.

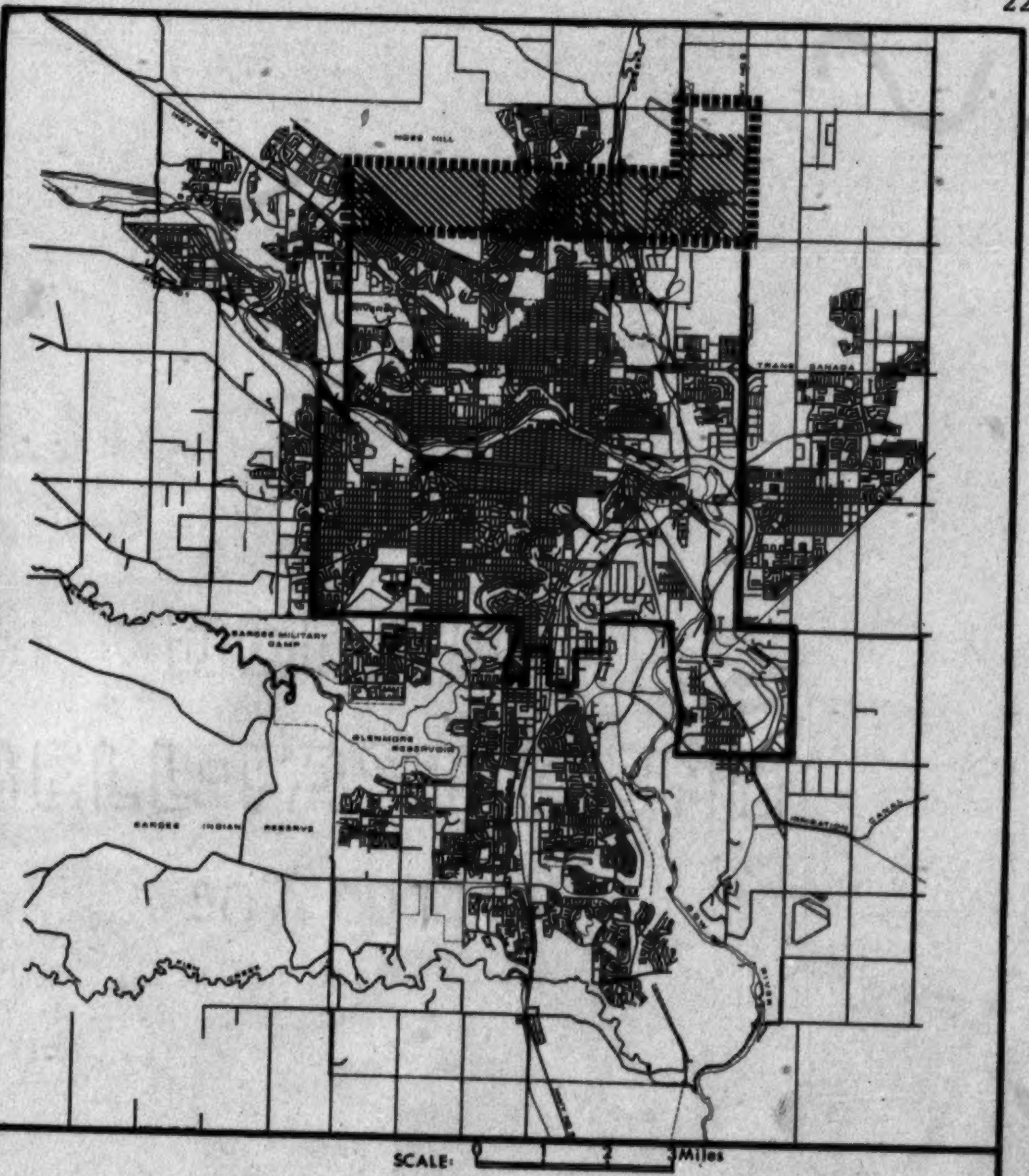
NOSE HILL
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
SCALE: 0 1 2 3 Miles

FIGURE 38

CITY OF CALGARY (1973 Base Map)

ANNEXATION: LANDS TO THE NORTH
DATE 1954 BOARD ORDER NO. 15880

▪▪▪▪▪▪ AREA APPLIED FOR
▨ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

that they feared they would have to pay.[71]

The Board recognized these complaints in the order that was issued later.

The Board's Decision

The annexation was approved, in part, by the Board through Orders 15880 and 16746. The Board stated that they were convinced that there was a need for the annexation and the land was suitable for its intended purposes. However, they also stated that there was no apparent need for annexing the north half of Section 12-25-1-W5th, and that was therefore omitted.[72]

The annexation was based on a number of conditions. In Board Order 15880 the following relief was offered to the opposing groups;

> It is a condition of this order that ratepayers in the area affected carrying on the business of fur farmers be not subject to any by-law or regulation of the City of Calgary prohibiting or in any way restricting the carrying on of such business until further order.
>
> And it is a further condition of this order that in the event of any Board of Health or other lawful authority prohibiting or in any way restricting the carrying on of such business then and in such case the City of

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[71] Letter from Fitch and Lindsay, Solicitors, to B.P.U.C. no date, mimeo. Formal opposition expressed.

[72] B.P.U.C. Board Order 15880, July 15, 1955.

> Calgary shall compensate the said ratepayers for all loss or damage incurred thereby, the amount of which (unless agreed upon between the ratepayer affected thereby and the City of Calgary) shall be fixed and determined by arbitration under the provisions of The Arbitration Act, being Chapter 111, R.S.A. 1942; provided however, that with respect to any buildings or improvements used in connection with such business, whose erection is commenced after the date hereof, the City's expense of moving any such building or improvements or placing the same upon a new location shall not exceed the cost which would be incurred if such location were not more than five (5) miles distant.
>
> And it is a further condition of this order that the parcels of land used by each of the said ratepayers, including also the executors, administrators, successors and ensigne of each of the said ratepayers, be assessed as farm lands, so long as the said lands are used only for the purpose of fur farming or other agricultural or horticulatural use and are not further subdivided or reduced in size, on the same basis of assessment as would be applicable to them had the said parcels of land continued to be situate within the said Municipal District of Conrich and that the maximum shall be forty (40) miles on the dollar and such mill rate shall be inclusive of the debenture rate for which the said lands may be liable.
>
> It is further ordered that the provisions relating to assessment and taxation of such lands as hereby directed shall continue and be in force until further or the Board.[73]

A supplementary order, 16746 added the following condition:

> That all small holdings occupied by Veterans under the provisions of the Veterans' Land Act are

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[73] *Loc. cit.*

> to be assessed on the same basis of assessment as would be applicable to them had such parcels remained in the Municipal District of Conrich No. 44, and the maximum rate which the City may tax such lands shall be the mill rate of the City of Calgary or of the Municipal District of Conrich No. 44, whichever is the lesser. This rate shall be exclusive of any rate necessary to raise the cost of local improvements abutting the parcels referred to. At the expiration of ten years or at such time as the veteran is entitled to take title and dispose of his holdings or part thereof, whichever may be the shorter, from the date of this annexation, all such parcels shall be assessed and taxed in the same manner as other properties within the City.[74]

It is apparent that this Board Order introduced many of the standard conditions discussed already in the Edmonton annexations. It can also be used to re-emphasize the importance of several policies that were drawn out of the Edmonton experience. The City's inability to show need for even one half section of land resulted in the exclusion of that land from the annexation. This indicates that the Board would not tolerate unneeded annexation and that the policy regarding the need of the land is indeed a strong one. On the other hand, when need could be established, the Board was prepared to go to great lengths to approve the annexation. This is evidenced by the Board's reaction to the strong opposition expressed in sections 2 and 3: the residents were given protective conditions but their property was still annexed. These conditions became standards which, when the situation arose, were introduced in a number of annexations, including several in Edmonton.

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[74] B.P.U.C. Board Order 16746.

Note should also be taken of the broad powers of the Board, which temporarily reduced the jurisdiction of the City by limiting the application of its by-laws and by adjusting the tax rate and assessment of the annexed territory.

THE ANNEXATION OF LANDS WEST AND SOUTH OF THE CITY AND THE ATTEMPTED ANNEXATION OF LANDS TO THE EAST, 1956, 1957 AND 1960 (BACKDATED TO 1956): A MAJOR EXPANSION

This is the final annexation in Calgary that was dealt with by the B.P.U.C. The proceedings were the combination of two annexations and were spread over four Board Orders (18401, 20027, 20407 and 24494 - the last two were supplementary amending orders). Board Order 20027 was the main document covering the annexation of all the lands (Figure 39).[75]

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[75] The area in question concerning Board Order 18401 comprised parts of section 12, 13 and 24-24-2-W5th for which the City of Calgary applied July 11. The Board apparently saw fit to approve the annexation bid subject to a further hearing on March 13, 1957, and subject to any conditions coming out of the said hearing being applied to the annexation in question. Apparently the reason for this, was the pending annexation of a large area of land to the west and south of the City, part of which was adjacent to the area mentioned in Board Order 18401. The Board combined the hearings of the two annexations. Board Order 18401, August 31, 1956.

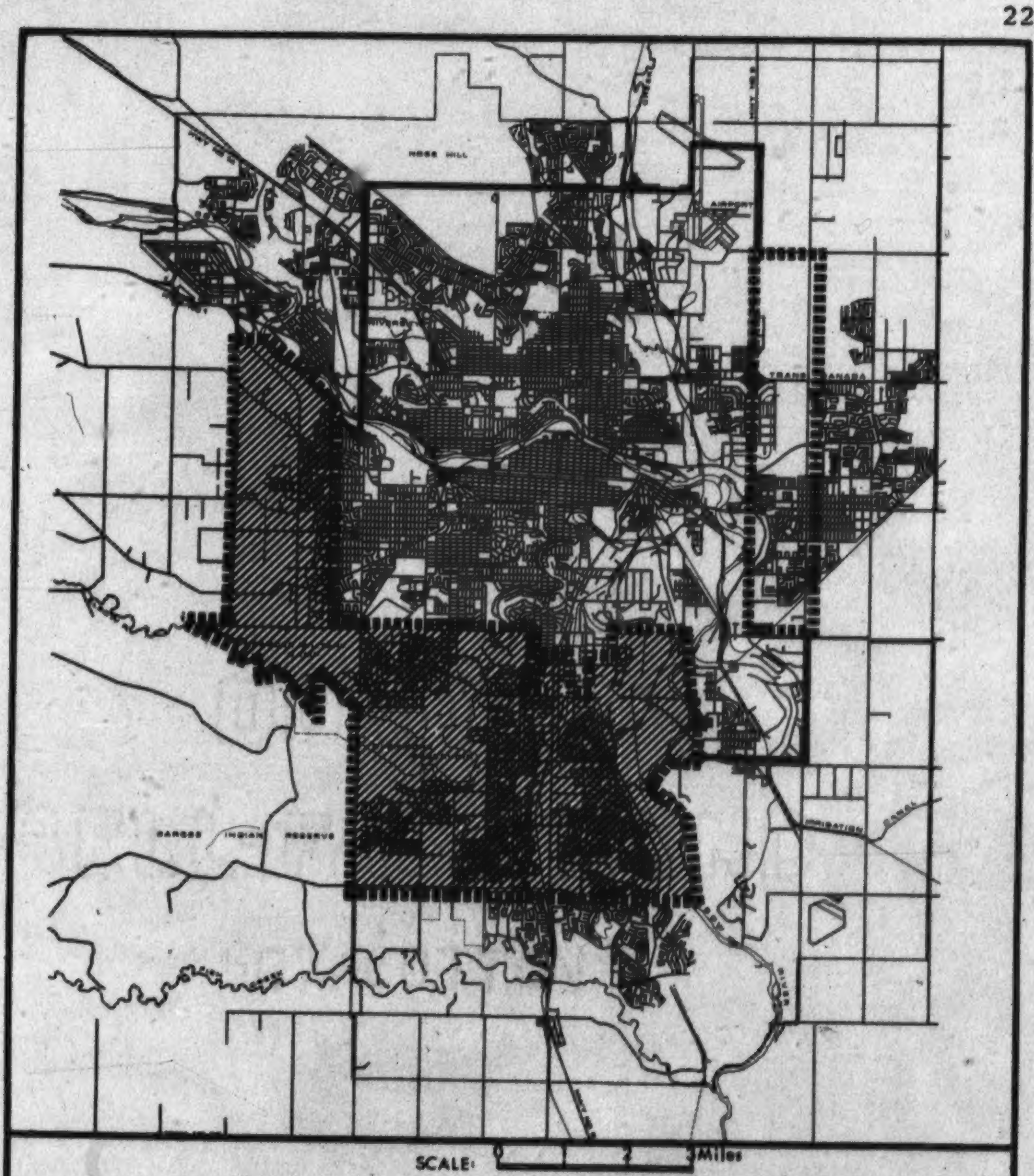
NOSE HILL
AIRPORT
TRANS CANADA
SARCEE INDIAN RESERVE
IRRIGATION CANAL
SCALE: 0 1 2 3 Miles

FIGURE 39

CITY OF CALGARY (1973 Base Map)

ANNEXATION: SOUTH AND WEST
DATE 1956 BOARD ORDER NO. 20027 & 18401

▮▮▮▮▮ AREA APPLIED FOR
▨ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

Initiation and Application of the Proposal

This annexation was initiated and applied for by the City of Calgary for a number of reasons.

(1) There was an immediate need for additional residental land.

(2) The area requested was within the area recommended by the McNally Commission.

(3) The City wanted to control development along Highway No. 2 south.

(4) Industrial development in the area east of the highway would be facilitated by annexation.[76]

The City assumed that the annexation would not place the M.D. of Rockyview in any worse position with respect to government grants, and that provincial roads and bridges existing prior to the annexation would remain under provincial jurisdiction.[77] These assumptions were based upon the following recommendations of the McNally Commission:

> 1. That capital adjustment grants be given by the Province to the School Board of fifty percent of the cost of school instruction attributable to amalgamation [sic].

---

[76] Application of the City of Calgary to the Interim Development Board for the annecation of certain lands in Calgary, n.d., mimeo.

[77] *Loc. cit.*

> 2. That the Province and cities should give high priority to City and School Boards borrowing arising from amalgamation [sic].
> 3. That special education grants now received by fringe Community School Boards be continued to the City School Boards after amalgamation [sic] for five years on a steady declining basis.[78]

With regard to roads and bridges, the Commission recommended that

> (a) ... the Province bear all the cost for both construction and maintenance of Provincial Highways through cities on the same basis as now for towns and villages. If the cities wish to construct highways to standards higher than Provincial highway standards they should pay the extra costs.
> (b) Where bridges and approaches for subways or overpasses form an integral part of the Provincial highways systems through the cities, they be treated as in the foregoing paragraph.[79]

Approval of and Opposition to the Proposal

Consent for the annexation was received from the Technical Planning Board and, as a result, the City Commissioners suggested that the City Council apply to the proper provincial authorities.[80] In this case it was the Interim

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[78] Alberta, Province of, Royal Commission on the Metropolitan Development of Calgary and Edmonton (McNally Report). Queen's Printer, Edmonton, 1956, Chapter 17, p. 7.

[79] Ibid., Chapter 17, pp. 3 - 4.

[80] City Commissioners Report, March 2, 1965.

Development Board, since the Provincial Government had not yet acted upon the recommendation of the McNally Commission.[81]

Consent was received from the M.D. of Rockyview No. 44 upon the condition that educational facilities for the residents using those facilities in the to-be-annexed area be maintained by the M.D., and that the expense involved be paid by the Calgary School Division No. 41. Also the M.D. requested that it retain all capital assets and the tax arrears involved in the annexation. As well they requested that the annexation be effective from December 31, 1955. A further resolution was passed by the Council of the M.D. requesting that the control of lands offered at tax sales under the Tax Recovery Act stay in the hands of the Municipal District.[82]

As well, they requested that lands owned by the M.D. for quarrying, nuisance grounds and other public uses remain the property of the M.D. and be exempt from taxation by the City while owned by the M.D. Reimbursement to the M.D. of the costs of a general reassessment was also requested. A further retroactive reimbursement of operating costs of the M.D. pertaining to the to-be-annexed lands was requested for the period from January 1, 1957 to the date of the annexation.[83]

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[81] While a reaction by the Provincial Government to the McNally Report was pending it was required that the Interim Development Board assess all annexations and amalgamations prior to having the B.P.U.C. deal with them.

[82] Special Meeting of the Council of the M.D. of Rocky View No. 44, Feb. 29, 1956.

Approval was also received from the Department of Municipal Affairs for the annexation of the lands to the south and west, but not for the lands to the east.[84] Based on that approval, the City of Calgary was allowed to apply directly to the B.P.U.C.

Finally, conditional approval was received from a number of private groups. P. Burns Ranches Limited approved the annexation on the condition that their farm continue to be taxed and otherwise treated as a farm, as long as it was used for that purpose. They also wanted to be exempt from the by-laws and regulations of the City of Calgary.[85] The Kelwood Corporation Limited supported the annexation and favoured rapid treatment.[86] The Consolidated Mining and Smelting Company of Canada, expressed neither consent or opposition, but was concerned to maintain its present method of utility services, since it supplied its own water and had contracts for power and gas.[87]

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[83] Letter to the B.P.U.C. from D.N. Gardner, M.D. of Rockyview No. 44, March 13, 1957.

[84] Statement from E.C. Manning, Chairman of the Executive Council of Alberta, June 28, 1956.

[85] Submission to B.P.U.C. by P. Burns Ranches Ltd., no date.

[86] Submission of the Kelwood Cor. Ltd., Aug. 22, 1956.

A good deal of opposition was expressed by various groups. The Town of Forest Lawn was opposed to the annexation of the strip of land to the east of the City since it was felt that the addition was not necessary for the orderly development of Calgary, that the annexation would bisect the Bow River School District and that it would render the Town economically unviable because of the loss of the tax assessment of the industrial and commercial activities in the to-be-annexed land. If there was to be any annexation, it was argued, the whole of Forest Lawn should be included.[88] This complaint was obviously heeded by the Department of Municipal Affairs, and explains the deletion of the eastern area from the City's application.

The Calgary Golf and Country Club was against the annexation because of its fears about the negative effects of the City taxation.[89] Several farmers expressed similar views. Finally, a letter of non-committal was sent by the Glenmore District Association to the Honourable A. Hook,

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[88] Letter from C. DeNeve, Mayor Forest Lawn to B.P.U.C., March 17, 1956.

[89] Submission of the Calgary Golf and Country Club to B.P.U.C., April 11, 1957.

Minister of Municipal Affairs, asking for various concessions if their property was taken by the City. This included the removal of the special surcharge on gas and electricity.[90]

The Board's Decision

After hearing evidence on August 22, 1956 on the annexation concerning Board Order 18401 and having had a hearing on March 13, 1957, the Board ordered the annexation of the western and southern areas.[91] To the Board's satisfaction, the need for the land was shown and it was suitable for the desired purpose, and the M.D. of Rockyview and the City were in agreement on the terms of the annexation.[92]

The Order contained a number of standard conditions such as those dealing with restrictions on and compensation to fur farmers, bee keepers and the like. There were also clauses covering Veterans Land Act holdings, taxation of farmland and protection of mining and quarrying permits. In particular the residents were assured that there would be no increase in taxes until services were applied, as the land came under development.

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[90] Letter to Hon. A. Hook from Glenmore District Association, September 11, 1956.

[91] It should be remembered that Board Order 18401 was issued subject to changes resulting from Board Order 2007 which is the relevant Order in this annexation.

[92] Board Order 20027, B.P.U.C. June 4, 1957, back dated to December 30, 1956.

The new conditions included the following:

> The property of the Calgary Golf and Country Club shall be assessed and taxed as follows: (a) buildings and other improvements shall be assessed in the same manner as similar buildings and improvements are assessed within the present boundaries of the City, having due regard to urban services available thereto: (b) land shall be assessed and taxed as park lands having due regard to its restricted use as a golf course.
>
> The current mill rate of the City shall be applied to the assessment so calculated.
>
> It is further ordered that the present surcharge on natural gas rates and on electricity rates may be continued in the areas annexed by this Order, except with respect to those parcels which are subdivided and developed for residential purposes.[93]

Discussion

It can be seen in this Order that the Board largely left the involved parties to resolve most of their concerns and disagreements. For example, it has become a standard requirement in Board Orders that annexation is conditional upon agreement between the rural municipality and the City. If they do not reach agreement, they must appear before the Board to resolve the difficulties.

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[93] Loc. cit.

Subsequent to Board Order 20027, such a disagreement occurred between the M.D. of Rocky View and the City of Calgary, and a new Board Order was issued (Board Order 20407).[94] Its conditions dealt with the levying and assessing of taxes on the annexed land, making it clear that the M.D. was to receive the taxes for 1957. As well, the Order spelled out the specific responsibilities of each party in the provision of public goods and services.

Most of the disagreements or concerns of individuals and groups are covered in the 'standard' conditions that from time to time have been added to Board Orders. In some special cases, the Board saw fit to add unique conditions, like the one applying to the Calgary Golf and Country Club. Other concerns, disagreements or complaints do not seem to be treated by the Board at all. For example, only the surcharge concern of the Glenmore District Association brief was treated by the Board. It appears either that the Board did not find some concerns to be worthy of consideration, or that it left them to be processed by the groups involved, employing its powers only on matters it deemed necessary. If the latter was the case, it could be expected that the Board Orders would include a condition requiring agreement between the residents of the to-be-annexed area and the City.

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[94] Board Order 20407, Aug. 29, 1957.

THE BOARD OF PUBLIC UTILITIES COMMISSIONERS AND ANNEXATION POLICIES

Upon reading through the annexation proceedings of the B.P.U.C., it becomes apparent that the main activity of the Board was to adjust fiscal irregularities. This is evident in the attention given to taxation through special conditions as they applied to the diminished and annexed territory, the City and the individuals and firms, in the to-be-annexed territory. It appears that from this point of view the Board was attempting to achieve a fair settlement for all who might be victims of annexations. Thus, the Board ordered that areas not serviced should not pay taxes as if they were, that the rural municipality should receive taxes that were left unpaid, and that the City should be allowed to collect sp cial frontage taxes to cover various costs incurred through annexation. Specific relief was given to farmers and the like so that they would not be taxed at disproportionate levels because of boundary changes. As well, the Board made sure that certain suburbanites who were only part time farmers did not pay taxes at the agricultural rate at the expense of the City. Furthermore, special consideration was given to the 'special cases' of the Veterans Land Act holdings, though also protecting the City from those who might misuse the protection, by subdividing the parcels on speculation.

Consideration was also given by the Board to the financial arrangements between the involved parties. Hence, the City was often required to pay for recent local improvements, special utility installations, public works projects and equipment. Again, the City was allowed to cover these costs with special frontage taxes and general charges.

Protection was afforded to those who might have been victims of by-laws that would have restricted, if not halted, the operation of their various activities. Accordingly, the Board gave immunity to businesses that might have suffered from early closing by-laws or special business taxes, and compensation to those that would have lost financially when certain specific immunities were removed. For example, the fur ranchers who would eventually be subject of City health regulations which would force them to cease their activities. At the same time, the Board did not try to cover every complaint, difficulty and moot point in the orders. Minor difficulties were treated by requiring the interested parties to come to a private agreement. Or, if the interested parties were individuals or groups of individuals, the standard conditions were judged to provide adequate protection. Most annexations have only a few special difficulties and by issuing standard conditions the Board was able to cover the common problems.

The main objective of the B.P.U.C. was thus to effect an amicable transfer of jurisdiction and related effects so that the parties involved did not suffer to a disproportionate extent. Throughout its decisions, a substantial degree of consistency emerged, so that the Board could be said to have developed a set of working principles or policies, both procedural and substantive. These can be summarized as follows.

1. If there was a clear and amicable transfer without any major difficulties, the annexation was approved without a hearing, obviously for reasons of facility and cost.
2. The Board opposed the creation of exclaves, for obvious administrative and servicing reasons, and so required the annexed territory to be contiguous with the annexor.
3. The Board refused portions of proposed annexations, because of development difficulties or problems for the residents.
4. The Board required that there must be a need for the land and that the land must be suitable for its intended use.

5. Agreement must be reached between the two major parties, that is, the annexor and the diminished territory. This follows the overall aim of the Board to have the most amicable settlement.
6. Some disputes or questions could be resolved privately, as long as a signed agreement was issued.
7. Land ownership appears to have been an important criterion for annexation. In other words, if the City was already a major landowner in the to-be-annexed territory, the annexation was likely to proceed more expeditiously.
8. The Board treated lightly the fear of increased taxes, responsibility for debenture debts and liability to City-by-laws, although it did not necessarily dismiss them. Since, at times, it incorporated certain conditions to relieve the inconvenience to affected parties.
9. The Board was hesitant in involving itself with matters which it deemed to be the responsibility and the right of another party. In particular, it seemed to leave the effects of the annexation on urban development patterns to the planning authorities, although it did express general concern about the need to control urban development patterns to the planning authorities, although it did express general concern about the need to control urban development in the annexed territories.

10. The Board ordered territory to be annexed after being convinced that the residents would not suddenly be confronted with the expenses of living in a fully developed, fully serviced area.
11. The Board felt that annexation should be to the benefit of both annexee and annexor and if this was not the case there was strong evidence for a refusal.
12. The Board stated that it did not approve of piecemeal annexation because of its negative effects on orderly planning and development.
13. The desire for urban services and benefits was not considered by the Board to be a strong argument for an annexation.
14. Likewise, the Board felt that difficulties created by the applicants' own actions were not good reasons for approving annexations.

THE B.P.U.C. AND EXTERNALITIES OF ANNEXATION

It is thus obvious that the main function of the B.P.U.C. was to facilitate the transfer of jurisdictional rights from one corporate body (rural municipality) to another (city) and to diminish any inconvenience that might be experienced by the two corporations and any individuals and private bodies concerned. It was thus an instrument in the reduction of negative externalities and the equitable distribution of potential positive externalities occurring as a result of annexation.

Generally, it may be stated that annexations are caused either by actual negative externalities or by prospective positive externalities. In the first case, a city (de jure) may require land due to the negative externalities created by land shortages, as manifested in high land prices, suburban out-migration and intensive land speculation. As well, residents on the periphery (de facto) may desire annexation due to poor services, poor economic situations and related difficulties. For these groups, annexation means a reduction in a number of negative externalities.

On the other hand, existing or potential positive externalities may provoke annexation. When a city has annexed enough land to expand into, it may do so in an economical and orderly manner through comprehensive physical planning. This enhances the probability of attractive urban design, safe and convenient street layouts, economical utility extensions and carefully staged growth. At the same time, the peripheral resident is attracted by city services such as water, sanitation, and road maintenance.

Annexation also has benefits for the developer. Once the land is within the city, development is facilitated through the availability of utility service extensions, and through the preparation of comprehensive physical plans in which the individual developer's land is seen as part of a much larger urban unit. There is also the security that is provided by standard agreements between developers and the city administration.

There is an interesting parallel between the concept of positive and negative externalities and jurisdictional change. In Chapter 1, it was suggested that migration to the periphery from de jure to de facto territories was a result of urban push (negative externalities) and rural pull (positive externalities). Annexation has the same result as migration and may be due to the same stimuli, since residents on the periphery of a city often wish to become part of that city. This can be achieved through centripetal residential migration or through centrifugal jurisdictional migration. In the one case, the migrant is the resident in a de facto territory, (rural subdivision) seeking the de jure territory; in the other case, the de jure territory (the city) is the migrant. In both cases the resident seeks an improvement in the living environment. Thus peripheral residents will often initiate and apply for annexation. However, as was suggested by Dye, this will only occur when the peripheral residents have a lower status than the City, i.e. they are in a situation where negative externalities prevail. Later it will be shown that areas of higher status (positive externalities) will not tend to seek annexation.

In the period 1946-1960 most of the annexations were the result of peripheral areas wishing urban amenities, cities wishing to acquire more land and developers wanting to develop their properties. Since there were no obstructing high status peripheral developments there was little objection.

Even though the annexations were sought out of a desire for positive externalities, many negative externalities appeared in the proceedings. They came to occupy the particular attention of the B.P.U.C.. The Board's function was one of reducing negative externalities and thereby allowing the absolute and the relative positive externalities to be equally accessible to city governments, citizens, firms, developers and, in some cases, the diminished territory.[95]

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[95] Although the diminished territory often loses in an annexation (i.e. taxable farm land or industry) it also loses the demand for its services, and this is especially a positive factor in the annexation or amalgamation of low tax yielding (low status) urban areas.

CHAPTER 5

ANNEXATION AND AMALGAMATION POLICY OF THE PUBLIC UTILITIES BOARD IN EDMONTON AND CALGARY, PHASE II (1960-1961): SEPARATE COURSES

From the viewpoint of physical-administrative structure, the years 1960 and 1961 are of great significance in the comparison between Calgary and Edmonton. During the 1950's, Edmonton expanded in a piecemeal fashion while Calgary began to move toward a comprehensive, large scale annexation policy. In 1960-61, this distinction became much sharper. Edmonton gained a large addition, including amalgamation with the Town of Beverly, but this had little impact on the growth of *de jure* and *de facto* territories outside the City. In Calgary, by contrast, the unification of the metropolitan region became a near reality. A huge area of raw land was annexed, and only the two small towns of Bowness and Montgomery remained outside the greatly enlarged city. Ironically, this expansion took in all the areas that had previously been refused annexation by the City of Calgary and the B.P.U.C.

It is significant to note that Edmonton did not initiate its extension while Calgary did. As before, it appears that the growth of the City of Edmonton was largely due to peripheral interests and not to a policy of territorial growth. At the same time, Edmonton was more constrained than Calgary by *de jure* and *de facto* territories, and its experience in 1960-61 carried the warning of future confrontation and frustration.

EDMONTON: THE AMALGAMATION WITH BEVERLY, THE ANNEXATION OF SURROUNDING TERRITORY AND THE BID FOR LANDS TO THE SOUTHWEST (1961)

Initiation and Application of the Proposal

The impetus for the annexation of these areas (Figure 40) came from many groups, but mainly from development companies. In 1959 Terra Developments who owned 220 acres in the vicinity of Beverly, and who wished to develop the land for low-cost housing and for light industry, applied to the City Council to have their property annexed.[1] The McLab Construction Company also requested the annexation of 530 acres in the same general area. The City Commissioners suggested that if an application for annexation

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[1] Dale, E. *The Role of Successive Town and City Councils in the Evolution of Edmonton, Alberta, 1892-1966.* Ph.D. Thesis, Department of Geography, University of Alberta, 1969. p. 312.

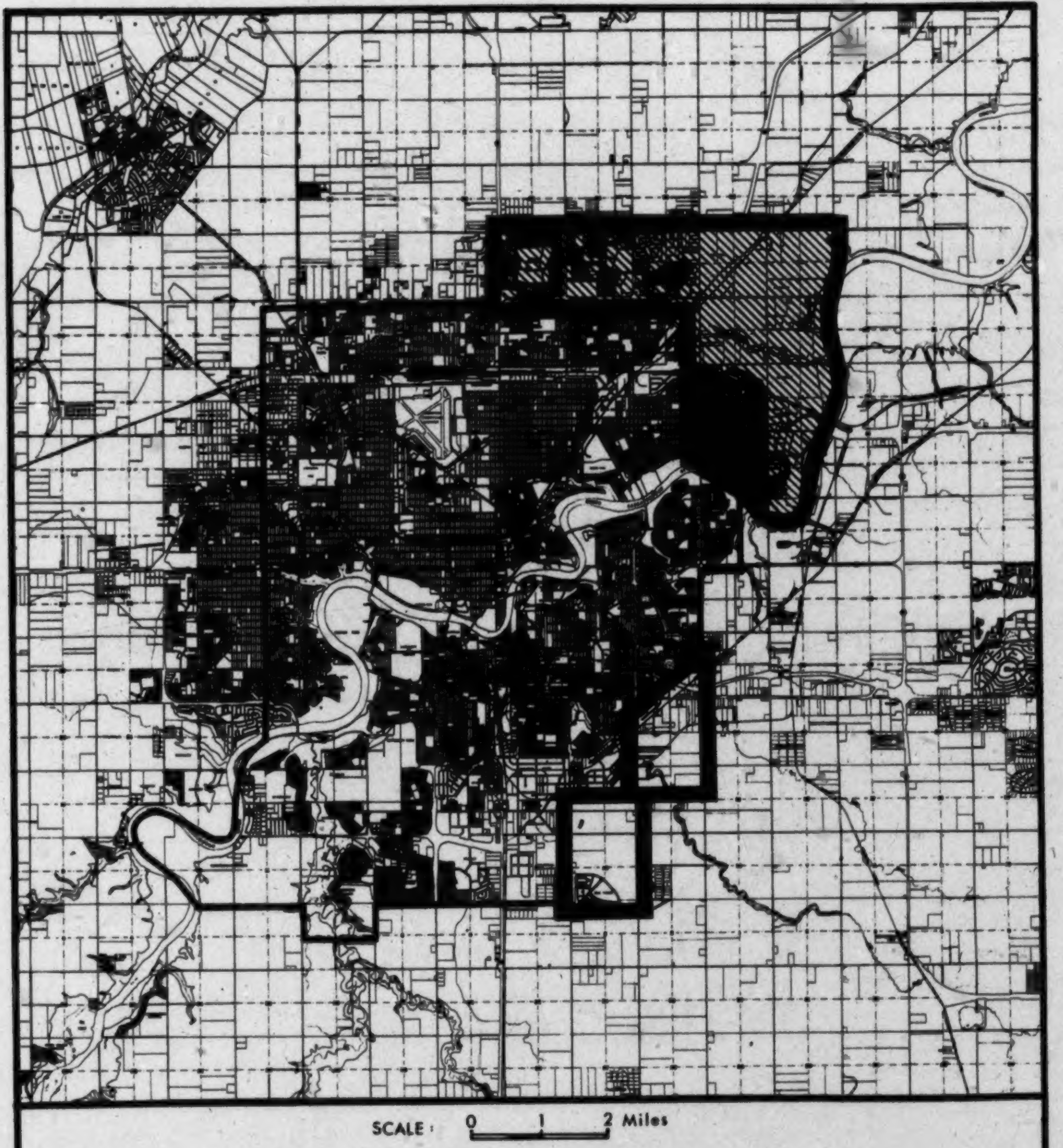

FIGURE 40

THE BEVERLY ANNEXATION AND AMALGAMATION

DATE 1961 BOARD ORDER NO. 25861

▬ AREA APPLIED FOR

▨ AREA ANNEXED

— EXISTING CITY BOUNDARY

■ AMALGAMATED AREA

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

was to be made, both of these areas should be included.[2] In the same year, the Town of Beverly applied to the City for assistance in solving a sewage disposal problem, which was preventing the Town from supplying sewerage to the Terra and McLab properties.[3] The Town also stated that it had no objection to the annexation of adjoining land, and even suggested that Beverly be included.[4] A further request for annexation was made by Terra Developments in 1960 but this was delayed by Council which was waiting for changes in industrial taxation and amalgamation legislation.[5]

In 1961 more requests were received, from Weber Brothers Realty, Terra Development and 135 landowners, all with interests in a block of land north of 137 Avenue between 50th and 92nd Streets, which was to be developed into two low cost neighbourhood units.[6] This was approved in principle by the City's Amalgamation Committee on May 4,

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[2] *Ibid.*, p. 313.

[3] *Loc. cit.*

[4] *Loc. cit.*

[5] Dale, *op. cit.*, p. 313 - 314.

[6] *Loc. cit.*

1961. Beverly then applied for unconditional amalgamation with the City. This too was approved, perhaps, as Dale suggests, because of the lack of action by the Provincial Government on the McNally Commission Report.[7] In response to all these pressures the City applied for the annexation of a belt of land to the north and east of the City and Beverly, and for amalgamation with the Town of Beverly. The M.D. of Sturgeon was the principal diminished territory.

The area that was applied for was within the recommended city boundary of the McNally Commission. This suggests that even though the Provincial Government never committed itself to the report, the City of Edmonton followed (or attempted to follow) its recommendations. The boundaries suggested by the Commission for Edmonton are shown in Figure 41. They were drawn generally on the following principles:

(a) Each area (City) is an economic and social unit, and should also be a government unit.
(b) The City should have enough space for 15 years or so expansion.
(c) The direction of expansion should take account of economy of utility extensions and the trend of development.
(d) Local tax revenues should go to the authority bearing the local costs.
(e) School and municipal boundaries should be coterminous.
(f) Industrial growth adjoining the city should be governed by the City.

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[7] *Loc. cit.*

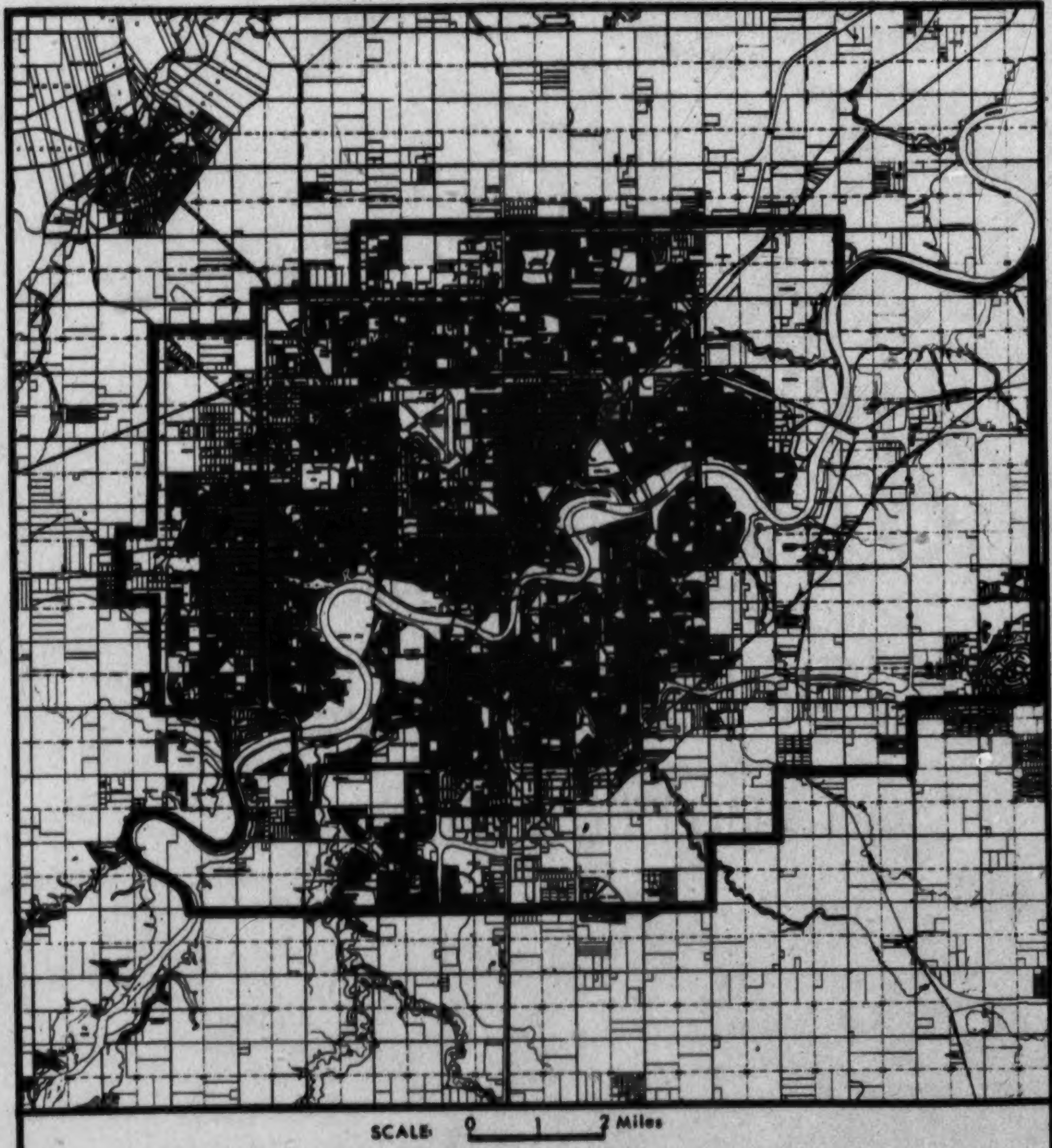
SCALE 0 1 2 Miles

FIGURE 41

THE MCNALLY REPORT EDMONTON BOUNDARY

— EXISTING CITY BOUNDARY (1956)

▬ SUGGESTED BOUNDARY

SOURCE: ALBERTA, OP. CIT., CHAPTER 14, p. 24a.

(g) Urbanized areas adjoining the city should be within.

(h) It would be a metropolitan tragedy to have an independent city on Edmonton's east boundary.[8]

The inclusion of Beverly within the McNally boundaries apparently rests on principles (a), (d) and (g), and the general problems associated with the fringe communities of Edmonton and Calgary at that time. The Commission listed a number of typical fringe problems which were pertinent to Beverly.

> In the first place, the problems are rooted in the expanding Alberta economy and in the rapid population growth, the proximate causes of which are not in the separate fringe communities themselves, but in the cities and the areas as a whole.
>
> Secondly, the fringes are chiefly residential, or dormitory communities. In providing housing accommodation and some civic services for the metropolitan population, the fringes have to extend lightened the cost of growth to the cities.
>
> Thirdly, the fringe communities have 'just grown'. It by no means follows that if the metropolitan area of settlement had been fully planned - with due regard to utilities, transport, etc. - that the fringes would have been set up in their present position.
>
> Fourthly, the fringe residents are mainly in the moderate to low income groups, and nearly all are wage earners. Housing standards as well as incomes are generally below the average for the cities.
>
> Fifthly, the fringes are forced to rely on a narrow residential tax base of low value properties, which is not supplemented by a substantial commercial and industrial assessment.

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[8] Alberta, Province of, Royal Commission on the Metropolitan Development of Calgary and Edmonton. Queen's Printer, Edmonton, 1956, Chapter 14, outline.

> Sixthly, normal urban services, such as those found in the city, are either absent, as in the case of high schools and libraries, or at a much lower level, as in the case of fire protection, roads and sidewalks.[9]

It appears that the Commission felt that the best form of government for the Edmonton area would be that of a 'unicity' whose boundaries would take in all of the fringe peripheral communities, excepting St. Albert. This would solve some of the problems of the area as a whole, and of the fringe communities in particular. It is therefore understandable that the Town of Beverly should have wished to be amalgamated with the City. A plebiscite in 1958 showed that 96 per cent of an 88 per cent turnout at the polls wanted to be included with the City. Later in 1961 a more than 50 percent petition of the ratepayers was received by the Town Council asking for amalgamation.[10]

In 1961, the City and the Town of Beverly made a joint application for annexation and amalgamation, and a hearing was held by the Public Utilities Board. The Town of Beverly presented a brief which demonstrated that the Town was a dormitory suburb for low income families. Rapid population growth was being experienced chiefly, it was argued, because of Edmonton's failure to provide sufficient land in the City for low cost housing. The combination of rapid growth and a chronic imbalance between residential and non-residential assessment, was putting too heavy a tax burden on the residential ratepayers, few of whom could afford to pay high taxes. In short, the Town was facing bankruptcy and Edmonton was largely to blame. The list of deficiencies in the Town's services was long and there was no prospect of overcoming them without City aid. Indeed, the Town already depended on the City for water supply, telephones, traffic control installation and maintenance, sanitary sewer maintenance and garbage disposal. In other service areas, for which it was solely responsible, such as fire protection, schools, street maintenance and construction, welfare, and health and sanitation, there was a sorry record of increasing inadequacy.

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[9] McNally, op. cit., Chapter 4, pp. 27 - 28.

[10] Beverly, Town of, Brief of the Town of Beverly, to the Public Utilities Board, 1961.

The City of Edmonton petitioned the Board on the 27th of June, 1961, for the northeastern area and the Town of Beverly. It also took the opportunity to apply for the annexation of certain lands to the southeast of the City (Figure 40). The following reasons were advanced the petition;

(1) Approval had been given by City Council for the amalgamation of the City and Beverly and the annexation of lands to the northeast.

(2) Council stated that it apply for the lands on the southeastern periphery that were recognized by the Edmonton District Planning Commission as being logically a part of Edmonton.

(3) The City was the only body that could provide utilities to the whole area.

(4) The majority of the persons living in the area worked in Edmonton.

(5) The annexation of these areas would facilitate their development.[11]

Approval of and Opposition to the Proposal

Consent was received from the M.D. of Strathcona but with the following conditions;

(1) The City would be required to purchase the water transmission system within the area at an agreed price.

(2) The City would be required to purchase all tax arrears on all privately owned land.

(3) The City would be required to assume full responsibility for all persons receiving assistance from the M.D.

(4) The M.D. would retain title to all its lands.

(5) The City would have to assume full responsibility on

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[11] Petition of the City of Edmonton to the P.U.B. no date.

all repairs, construction and maintenance on 50th Street from 35 Avenue to 101 Avenue.[12] (This issue became contested and was never resolved).

The City requested a number of conditions concerning the taxation of farmland, assessment of subdivided lands, taxation of the Veteran's Land Act holdings, and the assessment changes of lands in Beverly.[13]

Approval was also received from the Edmonton District Planning Commission, Hermitage Construction, Gold Bar Developments, and Calgary Power.[14]

Various concerns were expressed by individuals and firms. Many store owners suggested that the early closing by-law of the City would be detrimental to their businesses and the City had refused immunity from the by-law.[15] The Chemcell plant manager expressed concern about possible environmental nuisances if houses were built too close to the plant, even though the river separated them.

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[12] Letter from Brownlee, Brownlee et al. for the M.D. of Strathcona to A. MacDonald City Solicitor, July 4, 1961.

[13] Letter from A. MacDonald to R.D. Henderson (P.U.B.), Dec. 13, 1961.

[14] Letter from the Edmonton District Planning Commission to A. Macdonald, July 18, 1961.

[15] Letter from Clement, Parlee and Company for various firms to A.F. Macdonald, December 21, 1961.

He suggested that there be a one mile buffer between industrial and residential land-uses.[16] Finally, a petition was received from residents in the southeastern area asking not to be included in the annexation for fear of raised assessment and taxation.[17]

The Board's Decision

The Board issued its decision on November 20, 1961. It dismissed the southeastern application and approved the Beverly and surrounding area annexation and amalgamation.[18]

With regard to the southeastern annexation attempt, the Board made the following observations. The M.D. of Strathcona and the City could not reach agreement on responsibility for roads (a condition of Strathcona's brief). Calgary Power, although not opposed to the annexation, wanted to continue serving the area proposed for annexation and the City had refused this outright. The application was strenuously opposed by those residents of the area who attended the hearing. Apparently no compelling need was shown for the land since the application referred to the whole annexation; it stated that the addition was a "logical part" of the City, but this was never defined. The Board also did not accept the statement that the supplying of utilities could only be done by the City, since electricity had been supplied to the area for many years and the residents were supplying other utilities. As well, there was no evidence that utilities would be supplied in any event unless petitioned for by the residents. With regard to having employees living outside the City the Board suggested that

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[16] Letter from O.A. Griener, Plant Manager Chemcell, to P.U.B. Oct. 20, 1961.

[17] Petition to P.U.B. from 27 residents in the southeast area.

[18] Board Decision 25812, P.U.B. November 20, 1961.

> ... there is nothing unique about this situation. The same could be said of all other areas adjacent to this or any other city and no matter how many times the boundaries of the City are extended the same condition would prevail. If there was an urban type development adjoining the City boundary this would require serious consideration but that is not the case here.[19]

The Board also stated that there was no evidence that there would be housing development in the southeastern area in the near future, and that the land was not suited for heavy industry because it was too far from the Saskatchewan River (water supply). Furthermore, the network of pipelines, transmission lines and railways made the area undesirable for housing. In rejecting this part of the annexation bid, the Board stated:

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[19] P.U.B. Decision 25812, November 20, 1961.

> It is clear, from the evidence, that the annexation would be uneconomical as far as the City is concerned; the Municipality would lose some assessment; the residents would pay higher taxes with no advantages and in view of the prospects for this area it is difficult to see any benefit to the area as a whole.[20]

With regard to the northeast and Beverly proposals, the Board made the following observations. The City and Beverly had come to complete agreement on the amalgamation. The amalgamation was uneconomical so far as the City was concerned but necessary from the Beverly viewpoint. The County of Sturgeon had agreed to the annexation subject to three conditions.

(1) The debenture liability of the area with regard to schools was to be taken over by the City.

(2) An area not contiguous with the City in the M.D. was to be supplied with utilities by the City. The Board was reluctant to enter this into the Order since it was of doubtful relevance.

(3) The City was to purchase all arrears in taxes of the area to be annexed and this was agreed to by the City.

Evidence showed that the land was needed for housing and that it would be best that the land be developed under the authority of the City. The Board thus agreed to the annexation of the northeastern area and to amalgamation of Beverly and Edmonton.

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[20] *Loc. cit.*

On the question of early closing by-law, the Board felt that it should not interfere with the City's regulations. This differs from the B.P.U.C. ruling in the Hardisty case, and cannot be put down to a change of personnel since the P.U.B. in 1961 had the same chairman as the B.P.U.C. in the 1950's. The flexibility of the Board is appearing here, since Hardisty Annexation involved very few merchants serving an agricultural market while the Beverly amalgamation obviously dealt with a great number of storekeepers who were within the urbanized area of the City. The policy of the Board with respect to early-closing bylaws appears to be subject to an influence of scale.

The Board also suggested that it would protect utility franchises within the Beverly area and this was agreed upon by the City.

Unlike the southwestern proposal, agreement in general was reached by the parties involved, thereby satisfying one of the Board's key policies. The policy requiring benefit to all concerned was somewhat compromised, since the Board saw that the amalgamation with Beverly would be uneconomical for the City. However, the City agreed to take on this responsibility and this apparently satisfied the Board.

The Board issued the Order giving effect to the annexation and amalgamation on December 29, 1961. The conditions of the order included the following: protection for agricultural land from City taxes until subdivided, the standard split taxation of agricultural holdings, protection for the Veterans Land Act holdings, immunity from business tax for agricultural land-uses, and protection of mining and quarrying permits. All had been frequently mentioned in the orders of the B.P.U.C..

The Order also stated that the City assessment and taxation would apply to the annexed area excepting the land in the County where the assessment would be prepared by the County. In Beverly the assessment was to be carried out by the Department of Municipal Affairs. Furthermore, all assets and liabilities of the Town of Beverly would go to the City and shops in the annexed areas would not be subject to the early closing by-law and the holiday closing provisions of other by-laws.[21] The franchise of Northwestern Utilities Limited with the Town of Beverly was protected, and the rights of Calgary Power in Beverly were extended to 1965. The City was allowed to apply a special frontage tax to cover the cost of reploting schemes and protection was given to non-conforming rural operations that would be affected by City health controls; i.e. they could operate as long as they conformed to the health regulations.[22]

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[21] It is inconsistent that the Board should give protection to early closing by-laws in the same document where the Board stated it was against such measures.

The conditions of the Order were largely identical with those from earlier annexations. Even though there was a major administrative change, in that the B.P.U.C. was replaced by the P.U.B., the policies annexation did not appear to have changed. Indeed, the B.P.U.C. chairman became the chairman of the P.U.B. and this may account for some of the continuity. As well, there was no major change in the statutes at this time.

Discussion

It is obvious, from this that a number of the policies of the B.P.U.C. were transferred to the P.U.B. The basis for the partial refusal was the inability of the City and the involved parties to come to agreement. This was a strong policy of the B.P.U.C. Neither did the City prove to the Board that the land to the southeast was a necessary addition or that it was suited for the intended purposes. There was also a great deal of opposition from the residents in the area. This was a relatively new situation, since usually it was the residents or landowners who applied for annexations and thus a majority consent was always obtained. It would appear that even though the statutes do not demand a majority vote of the residents or landowners of an area to be annexed, the Board nevertheless followed the policy that if the people do not want it, it will not happen. This instils an informal policy of 'popular determination' in annexation proceedures.

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[22] P.U.B. Order 25861, December 29, 1961.

It is also evident that the policy stating that all parties must benefit from an annexation was in effect in the P.U.B. However, there was an inconsistency with respect to the taxation of the residents of the southeastern area. The Board suggested that the taxes would go up, yet it was in the power of the Board to hold those taxes down as if the residents had remained in the M.D. of Strathcona. The power was often expressed in the conditions of the board orders of the B.P.U.C. and it would seem very unlikely that it was not within the powers of the P.U.B. too. As well, the B.P.U.C. had stated that it did not deem the fear of higher taxes to be sufficient grounds for refusing an annexation and this was one concern of the south-east residents. Four possibilities thus appear.

(1) The Board was looking for reasons to refuse the annexation, which would be unlikely.

(2) The Board had changed policies relative to those of the B.P.U.C. which is also unlikely since many of the B.P.U.C.'s policies were continued.

(3) The Board's personnel had not yet gained enough experience to continue the policies of the B.P.U.C. This is also unlikely since the chairman had continued in office.

(4) The fear of taxation increases might not be sufficient reason on its own, but it gains weight when combined with other complaints. This appears to be the most likely reason for the decision.

CALGARY: THE ANNEXATION OF LANDS TO THE NORTH, EAST AND SOUTH, THE AMALGAMATION OF FOREST LAWN, AND THE ANNEXATION BID FOR LAND SITUATED IN THE TOWN OF MONTGOMERY 1960-61

Initiation and Application of the Proposal

Initially, the City of Calgary applied to the B.P.U.C. for annexation of lands lying to the south and east of the City, on October 15, 1958.[23] However, a reply from the Board suggested that approval must first be obtained from the Provincial Planning Advisory Board which was to designate an area within which annexation might take place.[24] This information was forthcoming and spurred the City to enlarge its application to take in territory to the north and west and to the south and east. The revised request included the Town of Forest Lawn and one third of the Town of Montgomery (Figure 42).[25]

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[23] Letter from the City Commissioners to W.C. Elliott, Sec. B.P.U.C., January 20, 1960.

The initial application was based on the need for commercial and industrial land under the City's control. These particular areas, it was argued, were logical areas for urban expansion and should be developed in accordance with overall city planning.

The bid for lands to the east was vigorously contested by the Town of Forest Lawn which was seeking the same land for annexation. Residents to the south of the city were also opposed to the early bid, but some support was expressed by private developers who believed that the southeastern area would be well suited to middle and low income housing.[26]

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[24] Provincial Planning Advisory Board, Alberta, Board Order 131-58, March 12, 1959.

[25] Letter from City Commissioners, Jan. 20, 1960.

[26] Letter from Silton Developments Ltd., to B.P.U.C. Feb. 4, 1959.

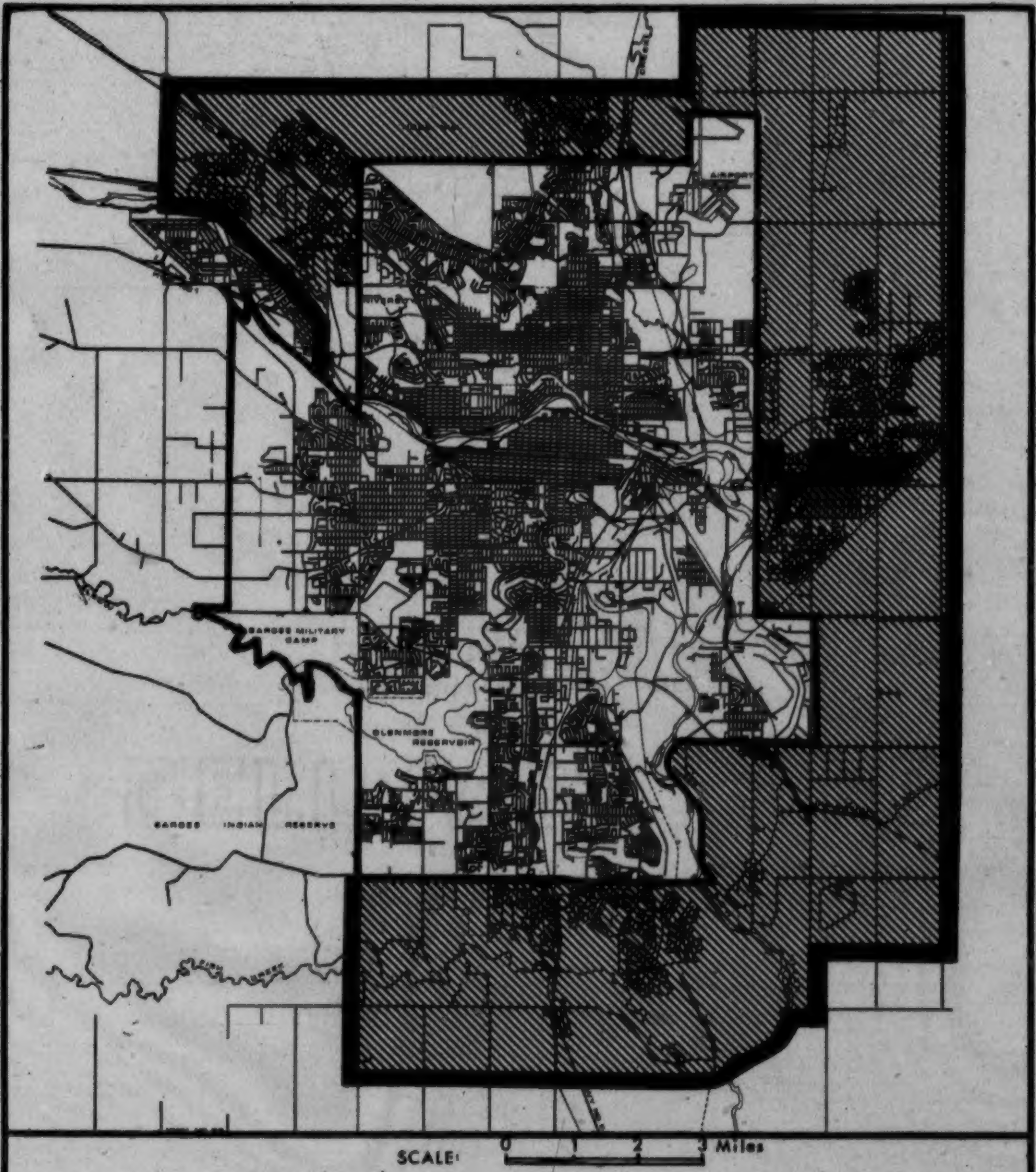
AIRPORT
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
SCALE: 0 1 2 3 Miles

FIGURE 42

THE FOREST LAWN ANNEXATION AND AMALGAMATION

DATE 1961 BOARD ORDER NO. 25860

▬ AREA APPLIED FOR

▨ AREA ANNEXED

■ AMALGAMATED AREA

— EXISTING CITY BOUNDARY

SOURCE COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

The annexation proposal was passed by Calgary City Council on September 21, 1959, but in October of the same year a new Council was voted into office. Mayor H. Hays expressed opposition to wholesale annexation but this was apparently overruled.[27] A report from the Calgary District Planning Commission on August 26, 1958, recommended that Calgary amalgamate with the Town of Forest Lawn, if it was to pursue the annexation of the lands to the east.[28] The report also recommended that if Calgary did not wish to amalgamate with the Town, that the Town should make an annexation application of its own.

Approval of and Opposition to the Proposal

Although the new annexation application caused a great deal of concern, it was also well supported. The Calgary District Planning Commission was in favour, subject to some minor changes in the boundary, as a result of an agreement between the City of Calgary and the M.D. of

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[27] Letter from MacDonald, Stuart, et. al. to the B.P.U.C. Feb. 4, 1959.

[28] Calgary District Planning Commission, Report of the Executive Committee on the Matter of Applications for Annexation submitted by the City of Calgary and the Town of Forest Lawn. August 26, 1958. pp. 4 - 5.

Rockyview.[29] Support was also received from P. Burns Ranches Ltd., Morraine Investment Corporation Ltd., the residents of the Town of Forest Lawn (but not the Council) and the businesses within the town.[30] Opposition came from the Council of Forest Lawn, the Town of Montgomery (which opposed the piecemeal annexation of a large part of their territory), and the Town of Bowness, because there would be no space left for Bowness and Montgomery to grow into.[31]

The Council of the Town of Forest Lawn made a submission to the Public Utilities Board urging that the amalgamation request be dismissed. However in the event that the Board saw fit to give its approval, a number of conditions should apply. For example, the Town Council demanded that no taxation increase result from the annexation, that municipal service rates be the same as in Calgary, that all liabilities of the Town be assumed by the City, that education facilities be equalized to City levels and that all contractual obligations at the Town be assumed by the City.[32]

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[29] Letter from the Calgary District Planning Commission to A.G. Martin, City Planning Department, July 28, 1960.

[30] Letter to B.U.B., P. Burns Ranches, Aug. 11, 1961.
Letter, Morraine Inv. Corp. Ltd. to P.U.B. Aug. 16, 1961.
Calgary Herald, March 25, 1959.
Survey of Business Tax in Forest Lawn, mimeo, no date.

[31] Calgary Herald, March 25, 1959.
Letter to B.P.U.C. from C.C. Wyldman, Mayor of Montgomery, July 19, 1961.
Submission to P.B.U.C. by the Town of Bowness, mimeo.

The formal petition by the City of Calgary advanced several arguments for the annexation bid. At the heart of them all was the policy recommended by the McNally Commission, i.e. to maintain single control over the development of the land onto which the City had to grow.

The areas to the north and north-west were offered by the M.D. of Rockyview to the City for two main reasons. The servicing of fringe developments such as motels and small holdings was proving too costly for the M.D., which also felt that the City could better control the strong pressures for subdivision. To the City, the area was a logical one to expand into, especially since a proposed new reservoir at the foot of Nose Hill would provide a certain water supply. The City also wished to include any extensions of the airport.[33]

The areas to the east and south-east were needed to accommodate industrial and residential expansion. The City felt it best to amalgamate with Forest Lawn because of the Town's financial problems and its prospective difficulty in competing with Calgary for industry. As well, the City again drew on the suggestion of the McNally Commission for a unitary form of government as the solution to the problems of a fragmented area.

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[32] Presentation on Behalf of the Town of Forest Lawn to the Public Utilities Board, August, 1961. pp. 19 - 20.

[33] Petition of the City of Calgary for the Amalgamation of Certain Lands to the North, South and East of the City, this to include the Town of Forest Lawn. Mimeo, no date, pp. 2 - 5.

Two main reasons were given for the annexation of the southern area. One was to provide residential areas for the pronounced southern movement of the population. Secondly, the area would be a far more economical service area for a proposed new sewage treatment plant at the mouth of Fish Creek. Also, including Midnapore within the annexation area would curtail further fringe settlement.

The Board's Decision

After the hearing was held (August 22 and 23, 1961) the Board approved the whole application, except for the annexation from the Town of Montgomery.[34] Some pertinent points were made in the decision that expose further the policies of the Board.

The Board first noted that there were no objections issued by any landowners in any of the areas as long as certain unmentioned conditions be agreed upon privately by the land owners and the City.

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[34] Public Utilities Board Decision No. 25736, September 8, 1961.

The Board explained the refusal of the Montgomery annexation from a number of viewpoints. However, the overriding reason appeared to be an agreement between the City and Standard Gravel and Surfacing of Canada Limited and Morraine Investment Corporation Limited. These were the owners of the 270 acres that was proposed for annexation, and the City agreed to buy 60 acres from them on the unwritten understanding that the whole area would be annexed. The Board suggested that the private parties no doubt felt that the land would be developed sooner if it was annexed by the City. The Board did not approve of this approach even though the City gave other reasons for the annexation which would allow for uniform administration and control of the City and periphery, the servicing of the area with utilities and increasing the size of the University Heights subdivision to a size closer to the optimum for a neighbourhood unit.

The Town of Montgomery rebutted this with the argument that increasing the size of University Heights would reduce the possibility of the Town increasing its size to optimum standards. It also showed that its financial situation was improving relative to the period of the McNally Commission, but that the loss of the potential tax base of the area applied for would be a serious setback.

The Town also suggested that it would be better to have the administration of the Town in the existing compact area, rather than having it decentralized. This statement was made against the suggestion that if the Montgomery area was annexed the whole Town should amalgamate with Calgary.

The Board's view of this part of the application was stated very clearly.

> The Board is convinced that the removal of this area from the Town of Montgomery and annexing it to the City of Calgary would result in far greater damage to the town than benefit to the City. The reasons given for the application ... are not compelling and the Board is satisfied ... that one of the main reasons for the modification of the City's original application was to honour the understanding between the City and the owner of this land. It must surely be recognized that to allow a large City to annex one-third of a neighbouring Town particularly when that one third represents the only remaining undeveloped land in the town, would be most unjust aside altogether from the financial loss involved. The Board has no hesitation in dismissing this portion of the City's application.[35]

The Board then treated the remaining portion of the annexation application. It made note of the approval given by the landowners in the area and the lack of objection. The Board recognized some of the problems associated with allowing the City to expand its boundary too far, especially since the City could not serve some of this area with sewers, roads, lights, police and fire protection for years in the future. However, it also recognized the fact that not to annex this land would cause greater difficulty. It stated that small peripheral communities would grow, duplicating services and planning, and growing at cross purposes with the City. The longer this went on, the more difficult it would be to correct. As well, they conceded that piecemeal annexation is not in the best interest of any of the interested municipalities. The Board took note of the fact that Calgary was able to control this type of development to a large extent, and drew an unfavorable comparison with Toronto where less than half the total metropolitan population lived within the city limits.

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[35] *Ibid.*, p. 7.

The Board conceded that the Calgary District Planning Commission was taking care of fringe development, but that in four special cases where the City wanted to control the entrances to and exists from the City of transportation routes, the City had the most suitable administration.

Similarly, the Board approved the annexation of the areas to the northwest and south of the City.

With regard to the area to the east and Forest Lawn, the Board had some difficulty in coming to a conclusion. Some of the conditions presented by the Council of Forest Lawn were judged by the Board to be reasonable but others were not. The Board did not specify. The Board stated that the question was not whether Calgary should be allowed to amalgamate with Forest Lawn, but which would be allowed to develop the industrial territory common to the interests of both municipalities.

> The Board must not consider the interests of Calgary alone or the interests of Forest Lawn alone but rather the paramount consideration must be the overall benefit of the entire area. The need for annexation may not necessarily be the need of Calgary but of the area sought to be annexed.[36]

The Board noted that the assessment breakdown for the Town of Forest Lawn was 83.9 per cent residential and 16.1 per cent industrial, whereas a "properly balanced" tax base would have 50 per cent of each.[37] The Board appreciated the stand taken by the Town officials in attempting to correct the situation. The Board was convinced that the Town could not afford to develop an industrial area at the required scale and in the speed required which might have resulted in the diversion of industrial development away from the metropolitan region. It also noted that dividing the area would be impractical and that the only solution was to approve the amalgamation and to annex the surrounding area to the City of Calgary.

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[36] Ibid., p. 14.

[37] This is really a moot point since very few experts agree on the correct balance. It is generally conceded that the more industry the better. Thus 100 per cent industrial assessment is the best and 100 per cent residential assessment is the worst possible balance. It also depends on what the people are willing to pay.

The order that was issued by the Board became effective on December 30, 1961.[38] Within the Order most of the reasonable requests made by the Town of Forest Lawn were granted. The request for no increase in taxation was refused; indeed, the Town was to be assessed and taxed at the same levels and standards of Calgary. All utilities would be provided at the same rate throughout the City. All debts and liabilities of the town went to the City. Contractual obligations of the Town were to be met. Public services were to be raised to City standards but no mention was made as to when; apparently the Board found the request of immediate improvement somewhat unreasonable. All bylaws in Calgary became effective in the Town upon annexation. Requests not honoured were those which referred to the location of industrial development, the closing of Nose Creek "Dump", and the assurance that the Town would have two aldermen on City Council. It is obvious that the Board left a number of details to be determined by agreement, and this led to great difficulty, to the point that the Forest

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[38] Board Order 25860, P.U.B., December 19, 1961.
It should be noted that the annexation and amalgamation involved two orders (Footnote 34). The P.U.B. issued decision orders prior to the official order. The former explained the decisions while the latter made the decision legal and outered conditions.

Lawn Town Council resigned on December 18, 1961. This prompted the Provincial Government to send an administrator to deal with matters of the town until the effective date of the annexation and amalgamation.[39]

The Order also gave consideration to the lands annexed in the M.D. of Foothills No. 31, dealing with the applicability of by-laws and special tax considerations. Most of the remaining order dealt with the taxation and assessment of lands that were annexed, largely in the form of standard conditions. These conditions included the 'standards' found in most previous Orders.

Discussion

The importance to the Board of the lack of objection by landowners of an area proposed for annexation is again brought out, and no doubt helped the City to receive a positive decision.

The Board also showed that there is a line to be drawn between strong and weak arguments, and that an agreement between parties for ulterior motives is an especially weak argument. However, this was not the only reason for the annexation refusal in the Montgomery area. The policy of benefit to both parties would have been hopelessly compromised because, while there was some slight prospective benefit to Calgary, the damage to Montgomery would have been substantial.

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[39] Calgary Herald, December 18, 1961.

The Board could see that large scale annexation was not free of costs, but they considered these to be far outweighed by the benefits. Perhaps most important is the Board's viewpoint with regard to the whole metropolitan area. It was stressed that its concern was not solely with Calgary on one hand and the peripheral communities on the other, but with the development of the entire area. Its decision on Forest Lawn was made on this basis. This is the first evidence the Board realized that annexation and amalgamation decisions should be based on something more than the immediate agreement of involved parties and the short term needs of territories. The policy of allowing Calgary to assume jurisdictional control over the development of its surroundings is the first evidence of a longer and more comprehensive view.

PUBLIC UTILITIES BOARD AND THE BOARD OF PUBLIC UTILITIES COMMISSIONERS

Save for the metroplitan view of the P.U.B. there seems to be no substantial difference between the B.P.U.C. and the P.U.B. with respect to annexation policies. This is most evident in the similar conditions expressed by the Boards in their Orders and by statements made in the documents related to the various annexations. The similarity is understandable. Most of the problems related to annexation and dealt with by the boards concerned the transfer of finances, public goods and services, by-laws of the enlarged area, private permits and franchises and, most of all, the tax adjustments that are subject to the transfer of jurisdictional powers. It would be unlikely that the situation of various parties in annexation and amalgamation attempts would greatly change over time and in space when dealing with the same political system, excepting perhaps major legislative changes. Thus the demands for a fair and equitable settlement of difficulties caused by territorial growth would tend to be similar over time and place.

Accordingly, the summary of B.P.U.C. policies is equally applicable here, though the following points must be added. Perhaps most important is the expressed opinion of the Board with regard to urban metropolitan development in Calgary. In essence, the Board was convinced that the correct manner of territorial growth for Calgary was to create a unicity, a single administrative unit with jurisdiction over the whole of the urban area and some of the surrounding rural area. It is obvious that the Board appreciated the difficulties of the federation type of government, since special reference was made to Toronto.

Another important point arises from the Montgomery annexation attempt. The City was obviously dealing with speculative interests and was in the position of compromising its policy of rejecting piecemeal annexation so that it could obtain a small piece of land to extend an existing subdivision to 'optimum' size. This was one of the reasons why the initial annexation proposal was halted and the new one was initiated.

The two annexations of the P.U.B. have exposed some more relevant policies which should be noted:

1. The Board considered as normal the fact that peripheral residents in a metropolitan area usually work in the city and use the city for various purposes. Therefore, this argument was not sufficient in itself to justify a proposed annexation, at least as far as de facto territories were concerned.
2. The Board considered not just the wishes of the interested parties but also the interests of the area as a whole when it made decisions on annexation proposals. This was evident in the southeastern refusal in Edmonton, and in the approval of the Calgary annexation and the amalgamation of Forest Lawn.
3. Opposition from the residents in the area of a proposed annexation was very influential with the Board.

Usually, it is the residents or developers who apply, but the southeastern annexation in Edmonton was the first example of a City application which generated strong resident opposition. There is still no case of an annexation being allowed when the residents or the majority of the land owners did not approve. The Edmonton case thus provided the first evidence of an informal policy of popular determination in decision making.

4. The Board had no firm policy for easing certain difficulties created by an annexation or amalgamation approval. This is evident in the inconsistent use of the early closing by-law exemption and debenture debt issues. At times the Boards have offered immunity to them, and at times they have not. This is especially evident in the Beverly annexation where the Board stated that its policy was not to deal with such matters as early closing by-laws and yet it entered immunity to the by-law in the same document.

5. Franchises are honoured and protected as required by the statutes. These matters become an issue in most annexations and amalgamations.

THE PUBLIC UTILITIES BOARD AND EXTERNALITIES OF ANNEXATION AND AMALGAMATION

When compared, the B.P.U.C. and the P.U.B. appear to be very similar in nature. This is especially the case since their basic roles have been identical, that is, to effect an equitable transfer of jurisdictional rights. Yet, the B.P.U.C. dealt mostly with annexations, while amalgamations (Forest Lawn and Beverly) concerned the P.U.B. to a greater degree. It is thus apparent that, although the two growth instruments are distinct from one another, they are similar with respect to the problems that they create. This holds even though annexation is usually concerned with rural areas and amalgamation deals solely with urban territory. In both types of situations, the Boards have striven for an equitable distribution of the negative and positive externalities of urban growth.

The case of the Beverly amalgamation corroborates one of the conclusions reached in Chapter 4, where it was stated that the acquisition of potential positive externalities is often the cause of an application. Beverly, because of its poor economic situation, was a prime candidate for amalgamation. It was a case of a low status area (relative to the City) applying for amalgamation so as to reap the benefits of being part of a larger, more viable, fully serviced urban area.

As well, the City saw indirect positive externalities in the amalgamation, despite the obvious costs. The City required land, and saw the amalgamation as the removal of a peripheral barrier and an increase in the availability of raw land with development potential. Furthermore, it employed the amalgamation as a lever in its attempts to obtain even more desirable lands to the southeast of the city.

The Board saw the indirect benefits accruing to the City and to the area as a whole, and decided that the positive externalities outweighed the negative externalities, and thus approved the annexation and amalgamation. However, the southeastern area was refused, apparently because the negative effects created on the landowners outweighed the positive ones accruing to the City.

In Calgary, the City expanded, like Edmonton, to obtain more land. However, the amalgamation of Forest Lawn was not for the same reasons as Edmonton's amalgamation with Beverly. The Town was not in as much difficulty, but it did not have the fiscal resources to compete with Calgary in servicing industrial land. Thus, the Board thought it best that the whole area should receive the positive externalities of having Calgary annex and service the land. Likewise, since Forest Lawn would not have the lands, but should share in the positive externalities created by their development, it would have been unfair to disallow amalgamation.

In both the Edmonton and Calgary cases, the Board felt that the overall distribution of the positive and negative externalities was equitable. Only from this viewpoint could the P.U.B. have allowed the annexation of the industrial lands and the amalgamation of Forest Lawn to Calgary.

CHAPTER 6

ANNEXATION AND AMALGAMATION POLICY OF THE LOCAL AUTHORITIES BOARD IN EDMONTON AND CALGARY PHASE III (1961-1973): THE CONTINUATION OF METROPOLITAN FRAGMENTATION AND THE DEVELOPMENT OF A UNICITY

In the last twelve years of the study period, the Local Authorities Board was the determining body on questions of annexation and amalgamation. It is in this period that Edmonton and Calgary became most dissimilar in the form of their administrative territories, since Edmonton continued to maintain a fragmented metropolitan structure while Calgary achieved its goal of a unicity. This difference did not mean that the two cities were pursuing different objectives. Edmonton became as firmly dedicated to the unicity concept as Calgary was already, however, Edmonton did manage to add all of the adjacent, incorporated urban places and some of the unincorporated rural-urban areas; it became less fragmented but by no means unified. While Calgary was able to concentrate on tidying up its annexation of the remaining fringe developments, Edmonton encountered massive resistance from many of the de facto and de jure territories on its boundaries.

THE LOCAL AUTHORITIES BOARD AND EDMONTON: A MORE COMPREHENSIVE APPROACH TO ANNEXATION

Although Edmonton did not achieve its much wanted unicity state; it did adopt a new policy for territorial expansion. This was the introduction of the outline plan. Prior to annexation, a schematic plan was designed to indicate the desired development of the area to be annexed. One result was that the City initiated generally larger annexation bids.

The main strength of the outline plan approach is that it allows for economic and efficient integration of the existing city infrastructure with the proposed systems in the to-be-annexed areas. It is an indication of the higher priority attached to planning by the City and the L.A.B. and this was reflected in the policies of the Board.

This phase also includes the amalgamation of the last incorporated urban place adjacent to Edmonton, i.e. Jasper Place. This amalgamation became one of the most controversial and revealing additions in the study period, and will therefore be given greater emphasis in the text.

The Jasper Place Amalgamation and the Annexation of Lands to the Southeast, 1964: The Last Adjacent Urban Place Becomes Part of Edmonton.

This was a most significant addition to the City of Edmonton, and is comparable to Calgary's expansion in

1961. In each case, there was a town in some financial difficulty (Jasper Place was in an even less favorable economic situation than Forest Lawn); in each case, too, raw land was sought and the prospect of gaining industrial assessment was the major reason.

There were however some significant differences between the two additions. In the Edmonton case, there was a great deal of opposition, particularly from the residents of the area to the south-east of the city. As well, the amount of established industry was much greater than in Calgary, where the issue was not how much assessment there was to transfer but who was most able to develop an industrial area. From this, it would appear that the City of Edmonton had waited too long to deal with the annexation of the southeastern industrial area. The County of Strathcona had committed itself to the full use of the tax revenues of the area, and could no longer do without the industrial assessment without drastically increasing taxes or reducing services. The City of Edmonton did not sufficiently demonstrate to the Board that there was a need for the annexation of the area that would outweigh the potential effects on the County. In the Board's view, the application smacked of a 'tax grab' by the City of Edmonton.

Initiation and Application of the Proposal: The annexation was initiated by the Town of Jasper Place which had been exploring the prospects of amalgamation with the City of Edmonton since 1946. Like Beverly, the Town was in financial difficulty. The petitioners wanted improved protection services and property values, which would have occurred upon amalgamtion. Both the Taxpayers' Protective Association of Edmonton and the Financial Committee of City Council were opposed to the amalgamation, seeing nothing but a financial liability for Edmonton. Finally in 1961, two 'fact finding' committees met, one from each municipality. The result was the following recommendation made by the Edmonton City Council.

> ... if the Town of Jasper Place applies for amalgamation with Edmonton, this Council should take the position that such amalgamation should be dealt with only as part of a comprehensive adjustment of boundaries to facilitate sound and effective development of the whole metropolitan area, and to make available a more equitable sharing of industrial tax revenue to assist in paying the costs of services to residential areas; and for those purposes your Committee recommends that if Jasper Place applies for amalgamation, an application should be filed which would seek amalgamation with Jasper Place and a substantial adjoining area of the M.D. of Stony Plain plus the section of the County of Strathcona containing the East Edmonton industrial area, and the Sherwood Park residential area, using boundaries substantially as proposed by the McNally Commission.[1]

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[1] Dale, op. cit., p. 317-318.

The overall proposal is shown on Figure 43. The philosophy behind it is quite clear. Jasper Place alone would have been a liability to the City of Edmonton and would have decreased the industrial proportion of the property tax base since Jasper Place had little industry within its boundaries. City officials, however, thought that they could counter this potential loss by annexing a number of industrial areas on the periphery of the City. Another viewpoint could have been that the City was using Jasper Place to get the industrial assessment on the periphery, rather than the reverse. If this was so, it would appear that the City was attempting a conditional annexation-amalgamation with the Local Authorities Board.

The City petitioned the Board for amalgamation with the Town of Jasper Place, a portion of the M.D. of Stony Plain lying east of 170 street, a portion of the County of Strathcona east of the City that included the petrochemical and other industries, and the Hamlet of Sherwood Park. Each time the City petitioned the Board for the eastern areas (July 1962 and March 1963) understandably strong opposition was voiced by the County of Strathcona.

On August 23, 1962, the Town of Jasper Place formally applied to the Local Authorities Board for amalgamation with the City of Edmonton.[2] The arguments for

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[2] Loc. cit.

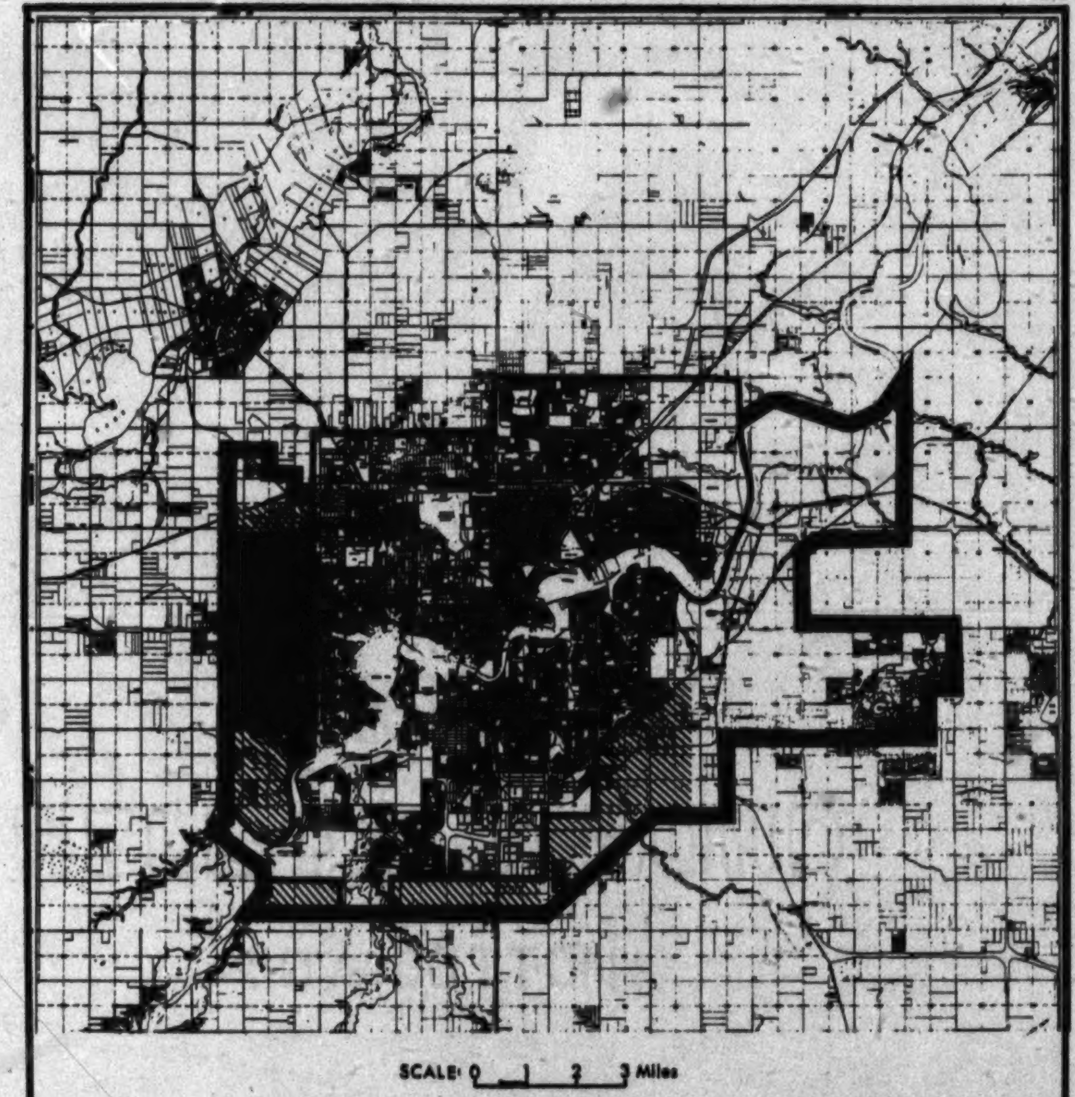

FIGURE 43

CITY OF EDMONTON (1973 Base Map)

THE JASPER PLACE ANNEXATION AND AMALGAMATION
DATE 1964 BOARD ORDER NO. 1234

■ AREA APPLIED FOR
▨ AREA ANNEXED
■ AREA AMALGAMATED
— CITY BOUNDARY

SOURCE: LOCAL AUTHORITIES BOARD

the amalgamation were that the Edmonton area was one economic and geographic unit, and the majority of the people living in Jasper Place were employed within the City of Edmonton; because of this, the Town's commercial area was underdeveloped and there was less commercial tax revenue; the Town was a victim of its lack of industry, since it was unable to afford the urban services required by the people who worked in Edmonton's industries; industry contributed only 17 per cent of the total property tax base, much below the suggested standard; the greater part of the housing in Jasper Place was low income and there were a large number of younger couples in the Town, with the result that the high proportion of school age children created a school service supply problem; the overall planning of the Edmonton area would be integrated; the financial strength of the City would improve the utility situation in Jasper Place. It would lead to a better school situation and the provision of similar services; greater efficiency would result from the integration of the many urban services; there would be one integrated water and sewage system; and so on.

However, the desire for amalgamation was not unconditional and the Town sought answer to a number of questions. These for the most part were agreed upon by the City and the Town:

a) All residents and all areas in the expanded City shall be treated equally

b) All debenture and other debts of Jasper Place will be assumed by the City.
c) All utilities in Jasper Place will be brought up to the standards prevailing in the new areas of the City.
d) Educational facilities will be standardized throughout the entire area of the new City.
e) Rates charged for utility services will be uniform except where the same are controlled by present franchises.
f) There will be uniform assessment and taxation.
g) Bus service will be provided to a standard equal to that of comparable areas in the City.
h) The Fire Department and its equipment will be brought up to City standards with at least one station in Jasper Place.
i) Present health and welfare services in Jasper Place will be maintained at their present standards or improved.
j) It is agreed in principle that the existing staff of the Town of Jasper Place will be absorbed into City staff.
k) A joint consultative committee will be appointed for one year to deal with the problems of integration.
l) That the question of the date on which the Edmonton Early Closing By-law shall become effective in Jasper Place shall be fixed by the Local Authorities Board.
m) That consideration will be given by the Edmonton City Council to the enlarging of the Council from ten to twelve members.
n) That concurrently with the filing of an application for annexation by the Town of Jasper Place an application will be made by the City of Edmonton for the annexation of areas to the north, south and west of Jasper Place and such other areas as the City may desire to annex, it being essential to the Town that the area to the west be annexed to prevent ribbon development along the west boundary of the Town.[3]

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[3] Letter from K. Newman, Mayor of Jasper Place to E.E. Roper, Mayor of the City of Edmonton - June 7, 1962.

There were three major objections presented by the County of Strathcona. The large scale industries needed protection from the encroachment of residential and other incompatible land uses. This was partly the result of zoning regulations which restricted the location of industry near residential sites but not the converse. The County also countered the claim that the City needed land for more industry. The main objection, however, was that the County required the high tax assessment gained from the industries to pay for its municipal costs.[4] Strathcona claimed that it would have to raise its mill rate substantially, if Edmonton annexed the area. The M.D. of Stony Plain opposed the annexation on the same grounds, while the two of Fort Saskatchewan argued that school taxes would have to be increased. The overall effect on the mill rates, it was claimed, would be as follows. An increase of 1.6 - 1.9 mills in Edmonton, if Jasper Place was added but no industry, in Strathcona the mill rate would have gone up 15.5 - 30 mills; in the M.D. of Stony Plain about 3.5 mills and Fort Saskatchewan 2 mills, if the City's application was approved.[5]

The matter at the time was settled by the Local Authorities Board through hearings in April and May of

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[4] Dale, op. cit., pp. 318-319.

[5] L.A.B. Order, op. cit.

1963. The hearing was long, with over seventy witnesses appearing for various municipal, commercial and private interests. There were also eighty exhibits and twenty-seven written submissions.[6]

The Board's Decision: The Board Decision came in three parts, the first dealing with the Jasper Place amalgamation, the second with the annexation of the lands in Strathcona, and the third with annexation of the lands in the M.D. of Stony Plain. The amalgamation of the town of Jasper Place and Edmonton was approved, but neither annexation was allowed in full.

The Board dealt with the amalgamation issue under fourteen headings. They were: planning, utilities, property taxes, assessment base, debt and special government grants, fire and police services, other services and administration, roads and bridges, school costs, general municipal costs, costs to Edmonton, and the opposition to the amalgamation.

With regard to planning, the Board made the following observations. They noted that the residents of Jasper Place were as much citizens of Edmonton as the residents of areas such as Ottewell. The boundary between the Town and the City had separated responsibilities that should have been shared. These responsibilities and costs would have grown whether annexation occurred or not, but with amalgamation there would be a more equitable distribution and full control by one authority. The location of Jasper Place upstream and upwind from the City was also considered to have important city planning implications. Finally, the Board observed that by amalgamation the City would gain in commercial and high performance industrial lands which would allow the City to make better use of its existing vacant industrially zoned lands.[7]

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[6] Loc. cit.

With regard to utilities, the Board observed that the two sewer and water systems were in fact one, and would be better controlled by one authority. Planning controls would allow for the extension of utilities without the fear of unforseen developments that might overload them. Some utility and service charges would tend to be lowered for the residents of the Town. Telephone rates would perhaps be higher while gas rates would be the same. The residents would also receive the benefit of the transit system, as well as improvements and expansion of the existing storm sewer, sanitary sewer and water systems.[8]

Property taxes, it was estimated, would go down in Jasper Place. The tax levies in Jasper Place had risen at three times Edmonton's rate from 1958 to 1962, and would continue to rise unless amalgamation occurred. The tax collection record of the town was very high, which the Board used as a good 'acid test' of the economic viability of the municipalities tax collection performance.[9]

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[7] Board Order and Decision 1234, March 31, 1964.

[8] Loc. cit.

Amalgamation would provide a much broader and more equitable assessment base on which major extensions or improvements could be made within Jasper Place. At the same time there would be little effect on the City's assessment base (a reduction of 76 dollars per capita). Assessment ratios were not considered to be of great importance by the Board since:

> assessments could vary from 0:100 or 100:0, dependent upon the wishes and tax paying ability of the rate payers of the particular municipality.[10]

The Board did not hold the view that the Town's total net general debenture debt was an undue burden and so did not feel that any adjustment grants should be given to the City. Municipal debt was not to be assumed by the Province to be an undue burden since it "... is not ... one that is practical or fair and equitable to all persons of the Province".[11] The citizens of the Town were to take over their share of the existing and future City debt.[12]

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[9] Loc. cit.

[10] Loc. cit.

[11] The per capita debt of the City was reduced from $530 to $410 as a result of the amalgamation. I. Morris, Member of the Board. Edmonton Journal, September 16, 1964.

The Board noted that police and fire protection services would be integrated, as would all other services, including administration. All the staff were to be kept on.

The Board felt that no special treatment should be received by any municipality for the costs of roads and bridges, since the province paid for the major part of them.

The Board believed that the two school systems could be integrated with a saving to the enlarged City. There was also the point that the School Foundation Program would ensure fair and equitable treatment for the enlarged City with respect to education costs.

The Board mentioned that the 35,000 citizens of Jasper Place would help the City pay for its municipal costs. The Board found the cost of amalgamating with the Town of Jasper Place to be one half mill or $339,000 based upon the assessment of the enlarged city. This was somewhat lower than the City's estimate (1.6 mills or $885,000).

Even though there was substantial opposition from those residents of the Town who feared an inefficient administration, lower school standards, and early closing bylaws, the Board felt that "... the general good of the two communities will best be served by administration under one municipal authority."[13]

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[12] Loc. cit.

The Board concluded that the costs of the amalgamation would not be excessive or unwarranted compared to the benefits. If amalgamation did not occur, further and increased difficulties would appear over time. The majority of the town's residents favoured the amalgmation and the two councils negotiated the matter to a settlement. The order was subsequently made that the Town of Jasper Place and the City of Edmonton be amalgamated.

The related conditions of the Order were many and included immunity from the early closing by-law for a period of three years; protection for franchises, and immunity from expropriation of facilities in franchises or the special taxation of such franchises; the takeover of the town's transit system by the City; and the assessment of property as in Edmonton. In the event of failure in the agreement between the Town and the City, they were ordered to come to the Board for a resolution. The Board also entered a negative condition in the Order. It felt that since the City and the town had come to agreement on a number of points, the Board would not "order the City to do those things" and thus the conditions were not entered in the Order.[14]

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[13] *Ibid.*, p. 9.

[14] *Ibid.*, p. 12.

With regard to the petition of the City to annex certain lands in the County of Strathcona, the Board made the following observations. It agreed substantially with the submission of the County of Strathcona. The Board expressed concern over the general welfare of the metropolitan area if the industries were annexed by the City. As well the Board was of the opinion that the main aim of the City was to provide itself with the revenues available through the taxes of the industrial area. Yet it found that the revenues for the City would fall $287,000 short of those received by the County partly because the City's mill rate was 47.5 while the County's was 63, and partly because the County's assessment of industrial plants was based on machinery and equipment rather than volume of business. The Board stated that to annex for the purposes of tax revenue redistribution would not be sound, and that provincial grants could accomplish this should the need be shown. The City failed to show the existence of any substantial 'surplus revenue' accruing from the annexation in question. The Board dismissed the assessment ratio question in this matter as well.[15]

Furthermore the Board appreciated the opposition of the industries to the annexation even though they would be taxed less. They argued that they were established in rural areas so they could avoid problems and costs of locating in an urban complex. They required large acreages for expansion and for buffering from incompatible uses: they provided certain of their own specialized services, like police and fire protection, and thus did not need further cost producing urban services; and, finally, they argued that costs of gas supplies and their products would go up, thereby jeopardizing their markets.

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[15] *Ibid.*, p. 18.

As well the Board touched lightly on the suburb-city problem by stating that the industries had very high payrolls which were largely spent in the city. At least one firm also spent a substantial sum in the city and province. Thus the Board concluded that the economy of the City was buoyed by the large annual expenditure made in the area by the industries.

In conclusion, the following justification for refusal was offered:

> ... the Board considers in the light of the evidence placed before it, that it is highly desirable to the interests of the whole metropolitan area, that a substantially rural image be maintained for the large petrochemical plants and their directly associated industries. Those may best be maintained, in the present circumstances, by leaving these major plants in the rural county area and 'atmosphere'. Urbanization of these major industrial developments could seriously affect the future industrial development in the Edmonton area.[16]

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[16] *Ibid.*, p. 20.

The annexation of Sherwood Park was likewise refused, largely upon the opposition of the residents.[17] However, the Board did recognize the City's need for more industrial and residential land and thus it approved the annexation of a half mile strip of land (1,000 acres) to the south of the City and a block of 800 acres to the northeast. The former was intended for general urban purposes and the latter for industry. As well, the Board felt that another area to the south and east of the development along Highway No. 14 would be a logical extension of the City, as long as the Strathcona industrial corridor was excluded.[18]

The conditions of this portion of the Order included immunity to the early closing by-law of the City for three years, and the standard conditions dealing with business taxes on agricultural activities, the taxation of agricultural land, the protection of Veterans Land Act holdings, and the protection of franchises.

Finally, the Board dealt with the lands in the M.D. of Stony Plain. Again, it was convinced that the application was largely based on the desire for tax revenue from industry. The revenue from the area would have been minor to the City, but its loss would mean an increase of 3 or 4 mills for the M.D. The different mill rates and methods of assessment would have resulted in a lower revenue for the City than for the Municipal District.

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[17] Since Sherwood Park is unincorporated by definition of the author, it would be a subject of annexation and not amalgamation.

[18] L.A.B. Board Order, op. cit., p. 23.

The Board felt that the request for the proposed residential land south of Jasper Place was valid. It suggested that the lands near ravines and the Saskatchewan River Valley were particularly suitable for urban purposes, and that the rate of growth in the area indicated that it would soon be needed for expansion.

The Board felt that the Edmonton Golf and Country Club should be annexed as a logical extension of the City and without special treatment, because there were already private clubs in the City. The Hillcrest Country Club was treated similarly. The Board stated that the Club would no doubt be treated fairly by the City and that therefore it would not include any special conditions in the Order.

As a result the Board ordered the annexation of the area to the south but only part of the area to the north of the M.D. of Stony Plain. The conditions of the last part of the Order are quite typical and comparable to those for the Strathcona area. They need not be repeated.

It appears from the evidence in this annexation and amalgamation (even though the Board personnel were totally altered) that the Board followed a similar path to its predecessors. A number of standard conditions from much earlier orders appeared in this Order. As well, its policies seem to be consistent with those of the other Boards.

These policies are listed below.

1. The Board accepted the concept of the socio-economic unity of a metropolitan area.
2. The Board was very concerned with the equitable distribution of costs and benefits after an annexation or amalgamation.
3. The Board attempted to look at the metropolitan community as a whole, when making its decisions.
4. With regard to services and facilities, the Board believed in the mono-administrative unit.
5. The Board considered popular consent to be of some importance in annexations.
6. The Board supported and respected private agreements in annexation decisions.
7. The Board attempted to remove any undue hardship from the annexee.
8. The Board did not accept 'tax grabbing' as a suitable motivation in territorial growth.
9. The Board required need to be shown and the suitability of the land to be established when considering an annexation approval.

MORE PIECEMEAL ANNEXATIONS IN EDMONTON

In the 1961 - 73 period there were four piecemeal annexations and one such attempt in Edmonton. However, only one was supported, and applied for by the City. This is significant since the newly developed attitude of the City against piecemeal annexations was being expressed in these cases, save for the first where the City required a site for a power plant. The City expressed strong opposition to all the other annexations, to no avail. Even with the added weight of opposition from the E.R.P.C. and the rural municipalities, the L.A.B. decided in favor of three of the annexations. This is contrary to most of the decisions made by the preceeding Boards in similar circumstances and identifies a major difference between the Boards. It is ironic that the L.A.B., as a strong proponent of planning principles, should have approved heavily opposed piecemeal annexations. It is thus apparent that although piecemeal annexation has occurred in Edmonton since 1961, it was against City policy.

The Northeast Annexation, 1967, Board Order 3150

This annexation was initiated and petitioned for by the City of Edmonton on March 2, 1967. The reason was the need for a site for a new generating plant for Edmonton Power. The owners had given their consent to the annexation, and had extended an option to purchase to the City.[19]

There was no opposition to the annexation, subject to some minor conditions concerning interested parties. Consent was received from the County of Strathcona, the Edmonton Regional Planning Commission and the Department of Highways.[20] No hearing was required, and the area was ordered on May 26, 1967 (Figure 44).

The Annexation of Lot B Section 33-52-25-W4th (West Jasper Place) Board Order 4193, 1969

Lot B contained approximately 40 acres of land which was owned by J.A.L.A. Properties and R. Bolster (Figure 45). The initial petition was filed with the Board on October 9, 1968 and stated that the petition was largely based on statements made by the M.D. of Stony Plain with regard to the annexation of Section 33 (north of the West Jasper Place annexation).[21] As well, they argued against objections from the City, that they wished to annex no more land because of the financial burdens

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[19] Petition of the City of Edmonton to the L.A.B., March 2, 1967.

[20] Board Order 3150, L.A.B., May 26, 1967.

[21] The M.D. suggested that Section 33 should be annexed into the City. This was suggested during the annexation hearing for Sections 21 and -28-52-2SW4 (West Jasper Place).

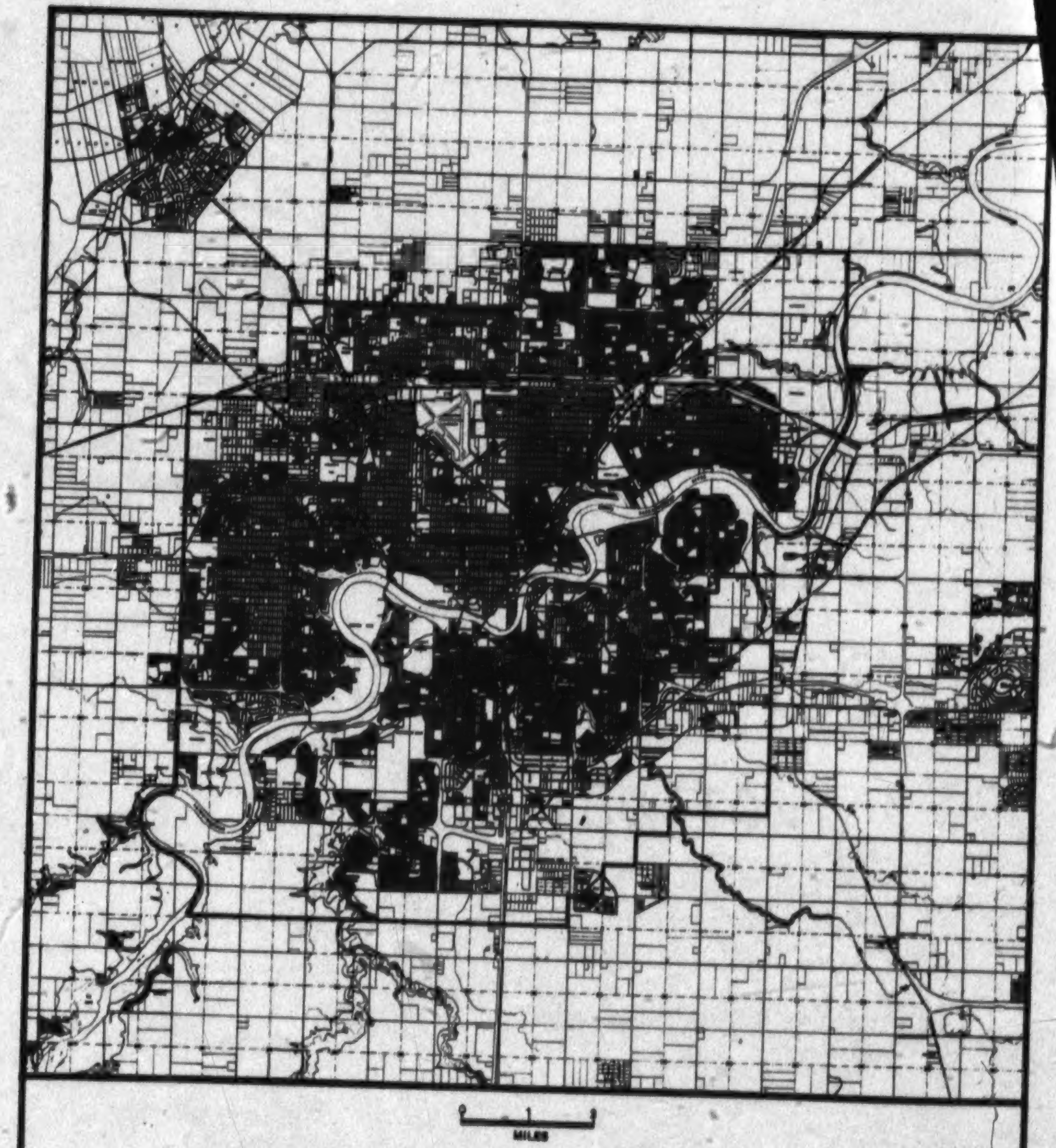

FIGURE 44

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: NORTHEAST

DATE: 1967 BOARD ORDER NO. 3150

■ AREA APPLIED FOR

■ AREA ANNEXED

— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

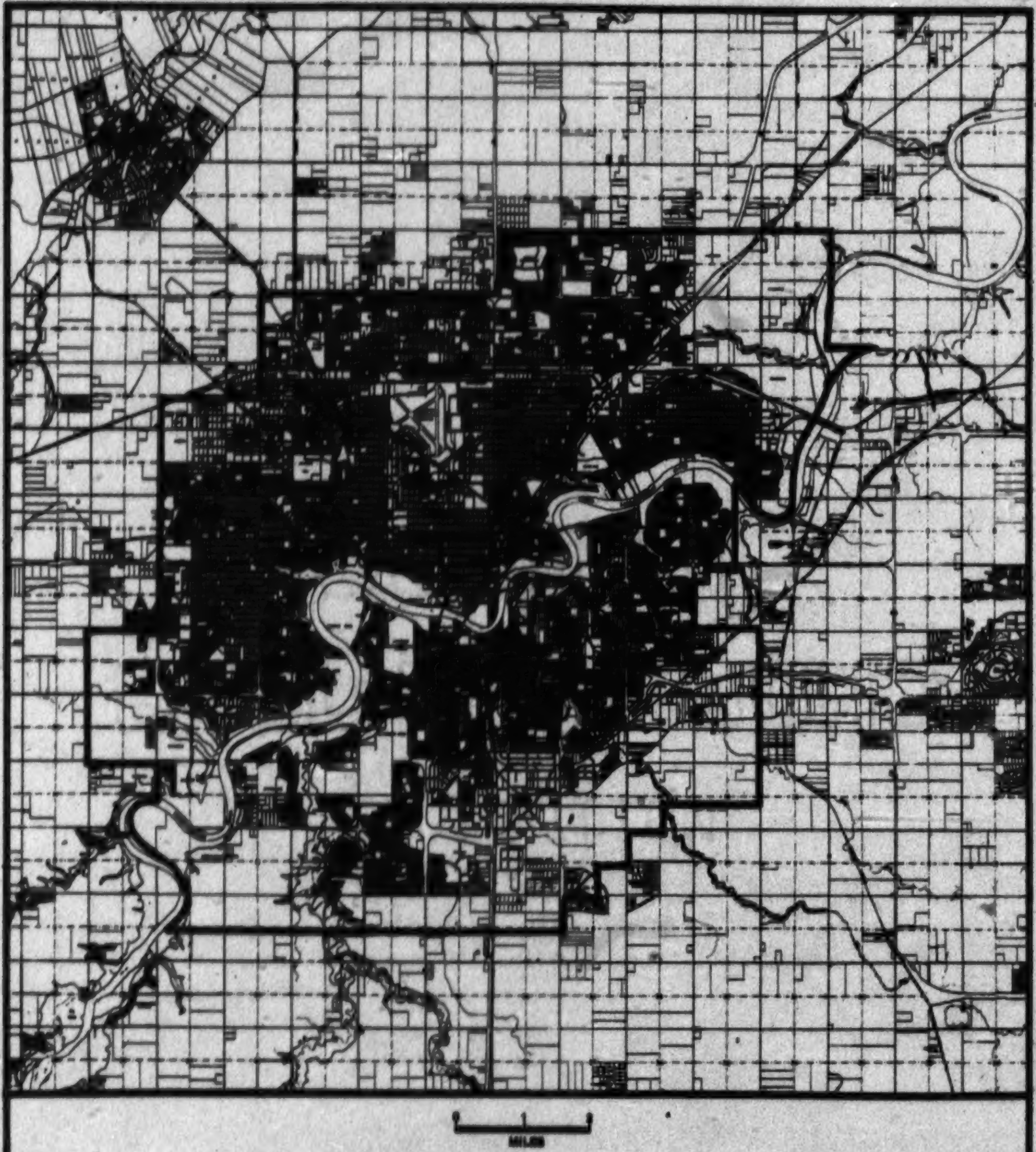

FIGURE 45

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: WEST JASPER PLACE (LOTS A AND B)
DATE 1970 BOARD ORDER NO. 4192, 4193

▨ AREA APPLIED FOR
■ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

that would be imposed and uncertainty about the development of Highway 16 west. The property would be serviced by the same utilities as Section 28 and 21 and the Highway 16 question was said to be irrelevant to their case.[22]

This application generated much opposition. The Edmonton Regional Planning Commission suggested that the annexation was for a relatively small area that did not relate to an outline plan and that would cause further "fragmentary" applications.[23] They later suggested that the application should be part of a larger annexation.[24]

The City also opposed the annexation. The Commission Board of the City suggested that it be opposed because the owners had not been approached by the City to see if they would sell lands for road widening and so at predetermined costs, because sewerage would not reach the lots before 1972, and because no such annexation should be made pending the implementation of the Hanson Report. As well, the Commission suggested that approval would result in further such piecemeal annexation attempts on the periphery of the City.[25]

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[22] Petition to the L.A.B. October 9, 1968 from Chapman and Chapman Barristers.

[23] It was the policy of the E.R.P.C. to only approve annexations in outline plan areas. B.O. 4193.

[24] Letters to the L.A.B. from N. Giffen, (E.R.P.C.) January 9, 1969 and February 17, 1969.

No objection was received from the Department of Highways.[26] However, strong oppositionwas received from the M.D. of Stony Plain, suggesting that if anything was to be annexed it should be the whole section.[27]

In support of the application, the owners made the following statements at the Hearing on March 3, 1969.

> The applicant submitted generally, that it was in the public interest to annex lot B to the city because:
> a. the city has need of additional areas in the west for housing, school and water and sewer utility improvements and expansions, and lot B is suitable for these purposes;
>
> b. the owner is willing to sell to the city at $4,500.00 per acre, as much land as the city requires for public highways - an arrangement similar to that made between the city and a large majority of the landowners in sections 21 and 28 which were annexed to the city recently.
>
> c. the land is suitable for a limited dividend low rental housing development and J.A.L.A. Properties Ltd. intends to build thereon at least 200 low rental housing units under the limited dividend provisions of the National Housing Act;
>
> d. the 'substantial conclusions' reached by the Board to support the annexation of afore-noted sections 21 and 28, township 53, range 25, west of the fourth meridian under Board Order No. 3981, support the annexation of lot B at this time;

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[25] City of Edmonton Commission Board Report, No. 8, February 17, 1969.

[26] Letter to the L.A.B. from V.E. McCune, Dept. of Highways, January 13, 1969.

[27] Letter from O.W. Schuster, M.C. of Stony Plain to the L.A.B. February 6, 1969.

e. a considerable time is needed by the applicant to plan development of the subject lands and annexation of same will not 'force' the city to prematurely extend utilities to the forty (40) acre parcel.[28]

The Board's Decision: The Local Authorities Board ordered the area to be annexed to the City upon the following grounds:

1. the applicant who desires to use the land for urban type residential development established the fact that it was reasonable to expect development up to the subject land within the next three to five years on the basis of present city planning and growth.
2. The applicant's submission that inclusion of lot B in the city now will facilitate establishment of planning for lot B is probably valid even though lot B becomes a part of a larger overall plan of development.
3. The city's extension of major sanitary and storm sewer lines in the general west Jasper Place area is being designed to service section 33 (in which is included lot B) as well as other lands east and west of 170th street.

   It seems that the planned development of section 21 and 28 which now lie in the city will inevitably lead to extension of water, sewer and road services to section 33 and other areas west of 170 street within the next few years.

   With planned development already formulated for section 28 in the city to the south and the existing urban-type development in the north part of section 33 in the county, it is unrealistic to not expect reasonably

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[28] B.O. 4193, L.A.B., May 12, 1969, Submission by R. Bolster J.A.L.A. Properties Ltd. to L.A.B. March 3, 1969.

> early development of the intervening lands including lot B.
>
> 4. Considering the city's expected growth over the next ten to twenty years, and its present land supply, the Board does not believe that annexation of the forty (40) acre parcel will provide the city with land areas in excess of its reasonable requirements in such a period.
>
> 5. In any event, it appears to the Board that direct city planning control of the forty (40) acre parcel lot B - is desirable in view of the proximity of the residential development immediately to the east and the shopping centres, hospital complex, etc. in the district and the impending development to the south of lot B.[29]

Later, the Board stated the area was obviously going to be developed and therefore they approved the annexation.[30]

This is the first time that the Board has ever made a decision counter to a nearly unanimous opposition. It is obvious that the Boards' former policy had been disregarded, since this application was the epitome of piecemeal annexation. However, the Board mentioned later that even though it was piecemeal, the area was a logical extension and the City had been inconsistent in its attitude towards piecemeal annexation. It therefore became an irrelevant argument.[31] Although the arguments of the Board

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[29] Board Order 4193, L.A.B., May 12, 1959.

[30] Pers. comm. C.G. Macgregor and I. Morris, March 29, 1974.

[31] Pers. com. C.G. Macgregor and I. Morris, March 29, 1974, stated later in B.O. 4804.

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seem sound, it seems very strange that it should oppose the E.R.P.C. and the two municipalities involved. It is also difficult to understand why this annexation was not treated with the annexation of Lot A, directly north of lot B and of the same size. The proceedings were held virtually simultaneously on the same day.

Annexation of Lot A, Section 33 (West Jasper Place), Board Order 4192, 1969

Application for the annexation of Lot A was received on January 15, 1969 (Figure 45).[32] The reasons were that it was adjacent to Lot B, so that a surge of development could be expected in the area, and that the annexed territory would contribute to orderly development.

The Department of Highways was the only supporter of the proposal. The other parties that were involved in the annexation of Lot B were opposed again, and for the same reasons.

The application was approved by the Board on the following grounds:

1. The applicant who desires to use the land for urban-type residential development established the fact before the Board, that it was reasonable to anticipate urban development of section 28, township 52, range 25, west of the fourth meridian,

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[32] Letter from E. Estin - Barrister - to L.A.B. Jan. 15, 1969.

to the south within the next few years and that such development and services would then naturally extend into section 33, including lot 'A'.

2. The applicant further convinced the Board that the City had already carried out sufficient planning studies in the general West Jasper Place area to indicate that his clients' lands would be used and useful for comparatively short-range urban-type development.

3. The Board is of the opinion that the granting of the application will aid the owners in planning their eventual development of the area.

4. The Board believes that annexation of lot 'A' will not provide the city with land areas in excess of that which it will require in the next few years and that it is desirable that the city now be given direct planning control of the land.[33]

It is interesting to note that the Board approved the annexation of Lots A and B on planning grounds, but it is also strange that they did so over the objections of the two planning agencies with responsibilities in the area, the E.R.P.C. and the City Planning Department. The previous Boards would probably have refused these annexation bids on the grounds of piecemeal annexation and the strong opposition that they generated. If one of the Board's aims was still to achieve an amicable settlement of annexation questions, it was obviously out of line in this case, since no agreement was reached. One might then question whether it is proper to make planning decisions for agencies that are professionally able to make those decisions. It might have been different if the E.R.P.C. and the City had advanced conflicting views, but they were united in their opposition in both cases.

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[33] B.O., 4192 - May 12, 1969.

The Annexation of Lands (in Sec. 1-52-25-4, Sec. 6R, 5-52-24-4) to the South of the City of Edmonton, Board Order 4804 and 5048, 1970 and 1971

Initiation and Application of the Proposal: This annexation was initiated by Alldritt Construction Company Limited on March 19, 1969 (Figure 46).[34] Servicing, it was said, would be straightforward because the eastern portion of the area was near an existing sanitary sewer and because the first stage of a proposed storm sewer would serve a substantial portion of the area. The company further suggested that it would very quickly develop one thousand lots for low and middle income housing and this would keep down the spiralling cost of housing in the City. The company also stated its willingness to deal with the City on land acquisition for major roadway requirements. The utilities would be supplied by the Company and this would allow the City to service other land. Finally, this area was within Hanson's proposed metropolitan boundary.[35]

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[34] Letter from Alldritt Construction Company Limited to Public Works Committee, City of Edmonton. March 19, 1969.

[35] *Loc. cit.*

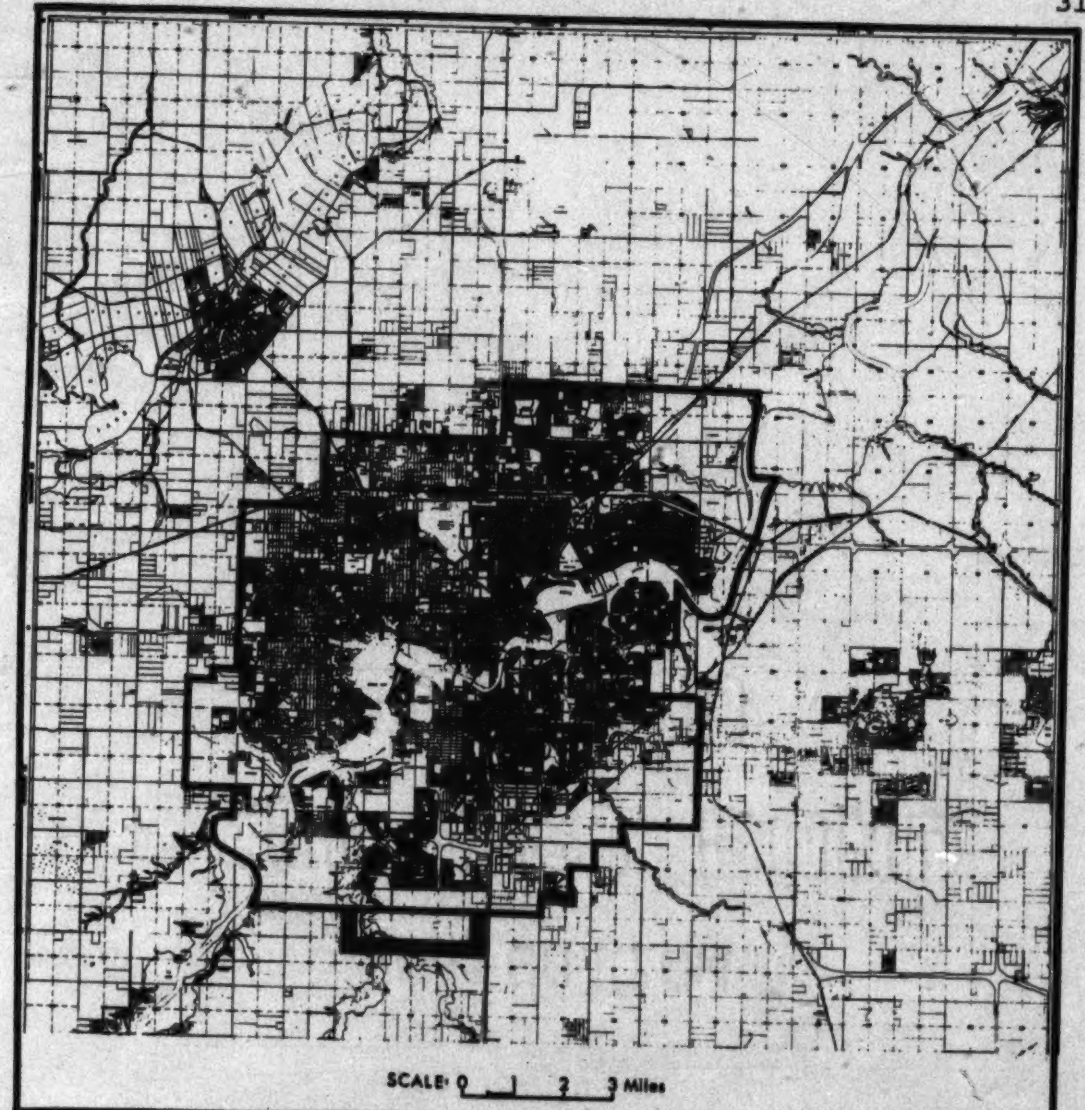

FIGURE 46

CITY OF EDMONTON (1973 Base Map)

ANNEXATION : SOUTH
DATE 1971 BOARD ORDER NO. 4804, 5048

▬ AREA APPLIED FOR
▨ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

In addition, a majority of the registered land owners of the area petitioned the Board for the annexation.[36]

Approval and Opposition to the Proposal: The initial hearing was set for December 10, 1969, but the City asked for a delay since negotiations were underway for a much larger annexation. The hearing was therefore postponed to March 4, 1970.

The Department of Highways and the County of Strathcona were not opposed to the annexation bid.[37] Calgary Power approved on the condition that they be allowed to proceed with the construction of a transmission line on their own property. As well, they requested to be allowed the exclusive right of providing power to the area.[38]

Opposition was initially expressed by the Edmonton Regional Planning Commission on the basis that the annexation was piecemeal and that a larger area was being considered.[39] Objections were also received from the City of Edmonton, on the same grounds, and from various owners in the area.[40]

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[36] Petition to the L.A.B. from Hurlburt and Reynolds et al for the landowners, October 9, 1969.

[37] Letter from the Department of Highways to L.A.B. Nov. 20, 1969.

[38] Letter from Saucier, Jones et al for Calgary Power to the L.A.B. Dec. 2, 1969.

A special submission by the applicants gave further reasons for the annexation.[41] They felt that even though the City was considering a larger annexation, there was no reason to delay the development of their land. They wished to start planning the services and development as soon as possible. They suggested that the City needed the land for housing, schools, water and sewer utility extensions, that the inclusion of this land would encourage early and economical development of the land to the north and south, that serviced lots were needs in the area, that the land was ripe for development and that the proposed development was in accordance with the General Plan.

The City opposed the application at the hearing on the following grounds.

> a. The city has several development areas within its limits now which will require considerable capital funds for extension of services thereto.
>
> The interests of the existing urban community is entitled to take precedence

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[39] Letter from E.R.P.C. to L.A.B. Dec. 3, 1969.

[40] City Commission Report No. 2, January 26, 1970.

[41] Submission to the L.A.B. by the applicants, March 4, 1970.

over the interests of outsiders, who for their own reasons want to be inside the city.

The city problem (in extending services, including trunk lines) is a dollar one, not a matter of wishing to hold back development.

b. The city requires time to work out its expansion problems with neighboring municipalities.

c. Larger scale annexation is desirable and should not be prejudiced by intermediate piecemeal annexations.

d. The city supports the recommendations of the Edmonton Regional Planning Commission which opposes the granting of the application on the grounds it is premature, is included in a larger outline plan area which is the subject of annexation discussions between city and municipalities, is piecemeal and would necessitate temporary map changes, etc., all with no particular advantage to the applicants.

e. There is sufficient undeveloped land in the city to sustain growth in the subject area until annexation negotiations are resolved.

f. Annexation of the subject lands could place undue pressure (on the city) for their development to the detriment of overall planning in the general area.

g. The city finally stated that if the lands were to be annexed:
1. there should be no conditions contained in the order which would provide 'tax advantage' to properties annexed, and
2. Edmonton Power only should be allowed to serve new (electric power) customers in the area.[42]

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[42] Board Order 4804, July 10, 1970.

The Board's Decision: The Board approved the annexation on several grounds.

1. The applicant established to the Board's satisfaction that there will be a demand and need for additional medium-priced residential lots in this south side area well within a period of twenty (20) years, a period deemed by the Board to be a desirable planning period.

2. Both the applicant and the city are actively planning for residential development of the subject and adjoining areas.

   Actual development of the area within a five (5) year or less period will be dependent primarily on the proposed storm sewer to run from Whitemud Creek eastward through the subject lands to serve, among other areas, the nine (9) section area which the Province recently acquired for future city use. The city has in fact acquired rights-of-way for this storm sewer.

   A second factor which will determine the speed of development of the subject area is the rate at which the city plans to make normal extensions to its existing and adequate sanitary sewer trunks and its water system.

3. The subject lands are within the areas proposed for future residential development under the city's General Plan and the proposed use of the lands is for that purpose.

4. The lands are well within the limits of an expansion area which City Council subscribed to when it "adopted" the Hanson Report in May, 1968.

5. An increase in the supply of lands suitable for residential development, with a good choice of community must tend to modify the end price of residential lots in the city.

6. The city's and Edmonton Regional Planning Commission's principal reasons for opposing the granting of the annexation

application are not compelling reasons for the Board to refuse the petition.

Included in the principal reasons for their opposition were the submission that the application was 'premature', 'piecemeal' and likely to generate 'pressure' for costly utility extensions.

The Board has already dealt with the 'premature' aspect insofar as actual development is concerned.

We do not intend to comment on the matter of 'prematureness' in relation to negotiations which have or are being held between the city and surrounding municipalities, including the County of Strathcona. The Board is not a party to those discussions.

The matter of opposition because of the 'piecemeal' nature of an annexation application is not of any real consequence in light of the seven (7) applications for annexation of lands to the city which have been heard or are to be heard as a result of formal applications before the Board, in the past seven (7) years. It appears that similar annexation applications may continue to be made under the present circumstances.

In respect to the matter of the generation of new and additional 'pressures: on the city for utility extensions, which translates into 'pressures' for capital funds, the Board feels that such demands are normal requests and are answered when the City Council adopts its annual capital program and budget.

On considering the submission of Dr. Brian J.G. Greenhill opposing the annexation of his seven and sixteen-hundredths (7.16) acre parcel of land to the city at this time, the Board, while sympathetic to his representations, believes that on balance, the greatest good will result from the annexation to the city in 1971 of the whole of the quarter section in which his property is situate. Such an action will 'square the administrative boundary' between the urban and rural municipalities with resultant benefits to both authorities. It would be inconvenient administratively if the Board was to leave only ninety-five percent (95%) of the subject quarter under direct city planning control, or create boundary lines in this area which are difficult to depict on municipal maps.

The Board has carefully considered the representations of Calgary Power Limited in respect to the annexation territory, Board of Public Utility Commissioners permissive Orders No. 10569 and 11050 and the provisions of sections 20 and 21 of the Municipal Government Act. The Board does not intend that the within annexation Order shall in any way affect any rights which Calgary Power or other 'suppliers' may presently have in the area.

The Board is not prepared, however,
(a) to order that Calgary Power Limited, or any other 'supplier' shall have the right to use City of Edmonton controlled and managed streets and lanes for the purpose of installing power or other facilities to serve (new) customers in the annexation area) or

(b) Calgary Power should at least be allowed by Order to compete for customers in the subject area, if it is annexed to the City:

The City has foreclosed the Company from serving (new customers) in areas annexed previously by Local Authorities Board Orders (numbered 1234 and 3981).

(c) The Board has the authority under section 20 of The Municipal Government Act, to grant the conditions and terms sought by Calgary Power, and the provisions of Section 21 of the Act do not preclude such action by the Board.

After considering all the evidence presented to it, the Board favours the annexation of the subject lands to the City for the following substantial reasons:[43]

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[43] Board Order 4804, July 10, 1970.

The Board decision went against the City of Edmonton and the Regional Planning Commission, who both argued on the basis of piecemeal annexation and because a larger area was under consideration. The Board obviously felt that these arguments were not convincing. Piecemeal annexations had become the rule in Edmonton over the previous few years and the Board expected more of them. The arguments presented by the Board seem sound and indicated that there would be a benefit for all involved in the annexation. It appears that the Board found the benefits greater than the costs that were exposed by the E.R.P.C. and the City.

A new policy of "squaring off" of municipal boundaries may be identified. The Board apparently appreciated the problems associated with irregular boundaries.

The Annexation Bid of Lands North of the City Contained in Section 25-53-25-W4th - Board Order 5009, 1970

Initiation and Application of the Proposal: On January 26, 1970, a number of landowners petitioned the Local Authorities Board for the annexation of the southern half of Section 25-53-25-W4th (Figure 47). The reasons given were that the area was a natural extension of the residential development of the City, that it was well suited for residential development, and that it tied in with the annexation application of B.A.C.M. Limited, immediately to

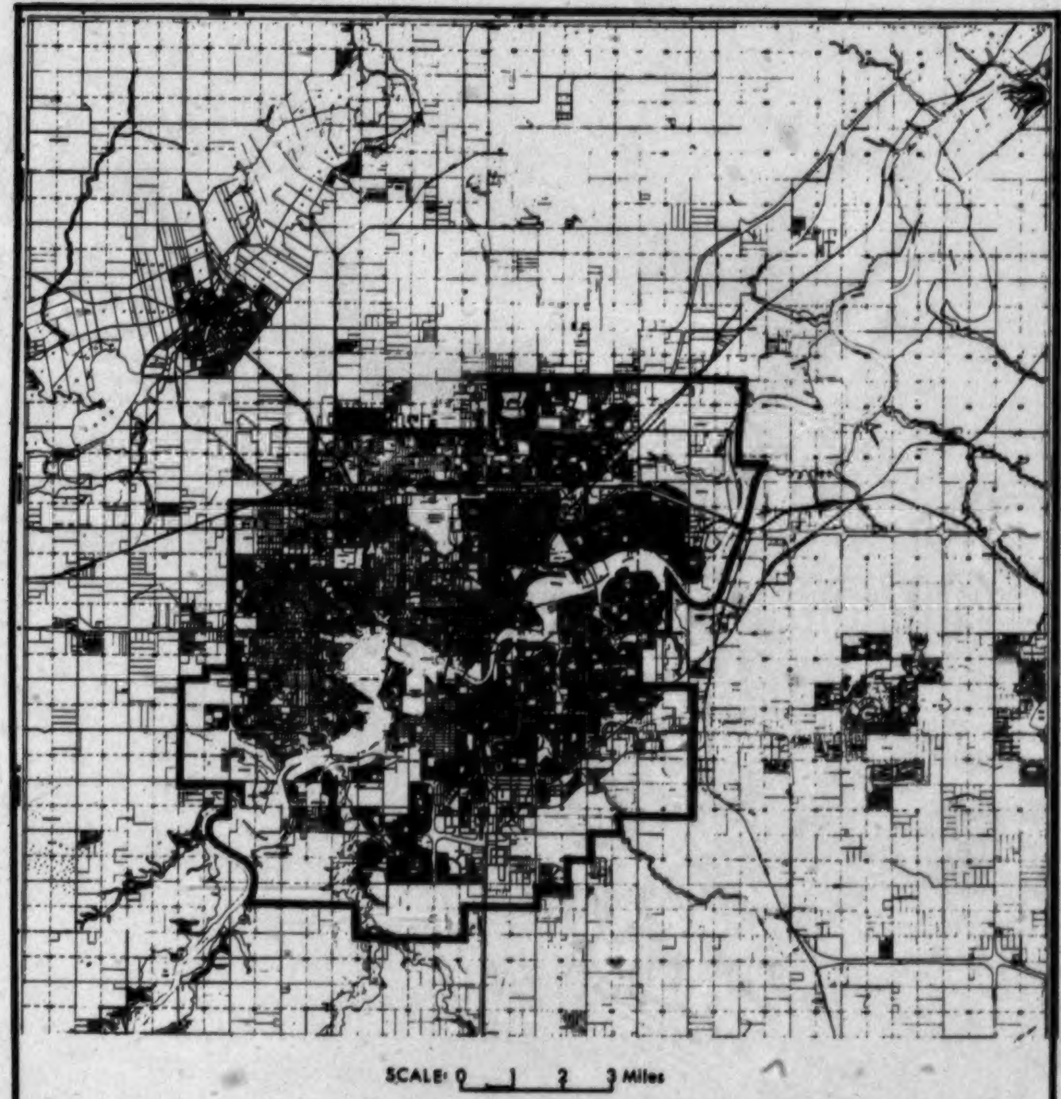

FIGURE 47

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: NORTHWEST
DATE 1970 BOARD ORDER NO. 5009

▬ AREA APPLIED FOR
NONE AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

the east.[44]

The Commission Board of the City strongly opposed the annexation bid, stating that the area was not well suited for residential uses, especially with the noise produced at Speedway Park, and that it was cut off from reasonable access by the Northern Alberta Railway, industrial uses, Speedway Park, and two arterial streets. As well, they stated that the area would be too small to plan as a neighbourhood unit. Furthermore, a drive-in theatre had recently been approved, and this was taken as an indication that the area was better suited for large scale recreational uses. Finally, they suggested that if the area was annexed, there would be undue pressure for its development, to the detriment of overall planning. The Commission Board also stated that the area was a part of a much larger area being considered by the M.D. of Sturgeon and the City. It was therefore looked upon as a piecemeal request.[45]

The City, in its submission to the L.A.B., reflected the Commission Board's views and added that the use of the lands as proposed by the applicant would not be in accordance with the General Plan of the City of Edmonton and the Preliminary Regional Plan of the Edmonton Regional Planning Commission. In this submission the City also spelled out its policy toward annexation. It stated that in 1968

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[44] Petition to the L.A.B. January 26, 1970 by Cooke, Shandling et al Barristers and Solicitors.

[45] City of Edmonton Commission Board Report No. 11, July 20, 1970.

> ... City Council ... adopted a comprehensive policy favouring a large scale approach to annexation as opposed to the traditional piecemeal approach to annexation in Edmonton.[46]

This approach was taken on the recognition of the "Hanson Report" which stated that

> ... confinement of the City to the present area, with some small scale annexations, will tend to inhibit planning, increase some public expenditures unnecessarily, and aggravate the imbalance of the tax base.[47]

From this application, there was some hint of what the City regarded as a piecemeal application. This is in the statement that the area was not of sufficient size for the development of a neighbourhood unit. Otherwise, however, the concept of piecemeal annexation remained as ill-defined as ever.

The annexation was also opposed by the Edmonton Regional Planning Commission, upon the same grounds as the

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[46] City of Edmonton, Submission to the L.A.B. 1970.

[47] Loc. cit.

City.[48] The M.D. of Sturgeon was opposed as well.[49]

The Board's Decision. The hearing was held on September 21, 1970 and, as a result, the Board issued Board Order 5009 refusing the requested annexation. The Board expounded on the reasons for and against the annexation and exposed further opposition from some of the mentioned parties. In particular, the Edmonton Regional Planning Commission stated that the area was designated for low density agricultural use, that it was part of a larger area between the City and St. Albert which was under study by the Commission, that it was not in a general outline plan of the City, that there was no need for the land since the City had negotiated for large residential areas, and that the proximity of Namao Airport made the area unfavorable for residential use because of the crash and noise hazards.[50] In its decision the Board stated that there was no show of need or suitability. It also noted that no comprehensive outline plan was presented by the petitioners and that the

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[48] Minutes of the Edmonton Regional Planning Commission meeting No. 240, August 5, 1970.

[49] Letter from A. Norbert to Cooke, Shandling et al April 1, 1970.

[50] Board Order 5009, September 21, 1970. L.A.B. Also, Makale, Holloway and Associates Limited, Comparative Analysis of Airports Environmental Effects: Namao Airport. May, 1970.

City did not propose to include the land in future plans. Furthermore, there was no proof that exclusion from the City would hinder any development that was permitted.

This annexation proposal received as much opposition as the earlier piecemeal bids, but they had the advantage of showing suitability and need and of being complementary with the General Plan of the City or a sector outline plan. All of the larger annexations in the third phase, save for the Jasper Place amalgamation-annexation, were based on the presentation of an Outline Plan which indicated the ultimate use of the to-be-annexed area and its integration with the existing built-up area. This approach no doubt satisfied the planning interest that the Local Authorities Board had developed. Indeed, it satisfied many of the requests made by the Board in annexation proceedings. The outline plan generally indicated that there was a need for the land, and that the land was suitable for the intended uses, as well as establishing these usese were. The design of the plan was discussed, the extension of utility systems was explained and the bases for designation the spatial limits of the planning area were set out. Eventually, the concept of such a plan became a standard in larger annexations, as did the format of the presentation. This resulted, in part, in a simplification of annexation proceedures.

The use of the outline plan approach indicates that the City was taking a more active planned approach in the extension of its territorial boundaries. This is no doubt a reflection of the need for boundary extension in a rapidly growing city that had few residential lots available.

ANNEXATIONS BASED ON OUTLINE PLANS

The West Jasper Place Annexation, 1969, Board Order 3981

Initiation and Application of the Proposal: On May 22, 1968, the Committee of the Whole Council of the City of Edmonton passed a resolution that certain recommendations of the 'Hanson Report' be adopted.[51] Those recommendations were that the City of Edmonton should be expanded to the area depicted in Figure 21, that the West Jasper Place Review Area of 5.5 square miles be the subject of an application for annexation, that a Commission be set up to study the government in the Edmonton metropolitan area with a view to implementing the first recommendation and that continuous studies of revenues be undertaken to widen the revenue base of the City.[52] This resolution appears to be the start of the annexation in question, although some land owners had applied to have part of the area annexed as early as 1962.[53]

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[51] Committee for the Whole Council of the City of Edmonton, Report No. 9, May 22, 1968.

[52] E.J. Hanson, The Potential Unification of the Edmonton Metropolitan Area. University of Alberta, March 1968, pp. 220 - 222.

This is the first annexation in Edmonton that involved an "outline plan area." In this case, it was the West Jasper Place Review area, an area of 8 square miles, which was later reduced to 5.5 square miles because of the restriction caused by a proposed ring road, 1.5 miles west of 170th Street.[54]

The annexation application was made on August 28, 1968, by the City of Edmonton (Figure 48).[55] Two sections of the review area were applied for because

> ... the owners of 80% to 85% of the lands within the said two sections believe the land is needed for urban residential uses and have asked the City to seek annexation of the lands for that purpose and the City Council has agreed.[56]

Approvals of and Opposition to the Proposal: The land owners were obviously in favour, and had agreed with the City on a price for the land required for public highways. The Municipal District of Stony Plain was also prepared to

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[53] Petition to L.A.B. by land owners 1962.

[54] *Op. cit.*, p. 25.

[55] Application of the City of Edmonton to L.A.B., March 28, 1968.

[56] *Loc. cit.*

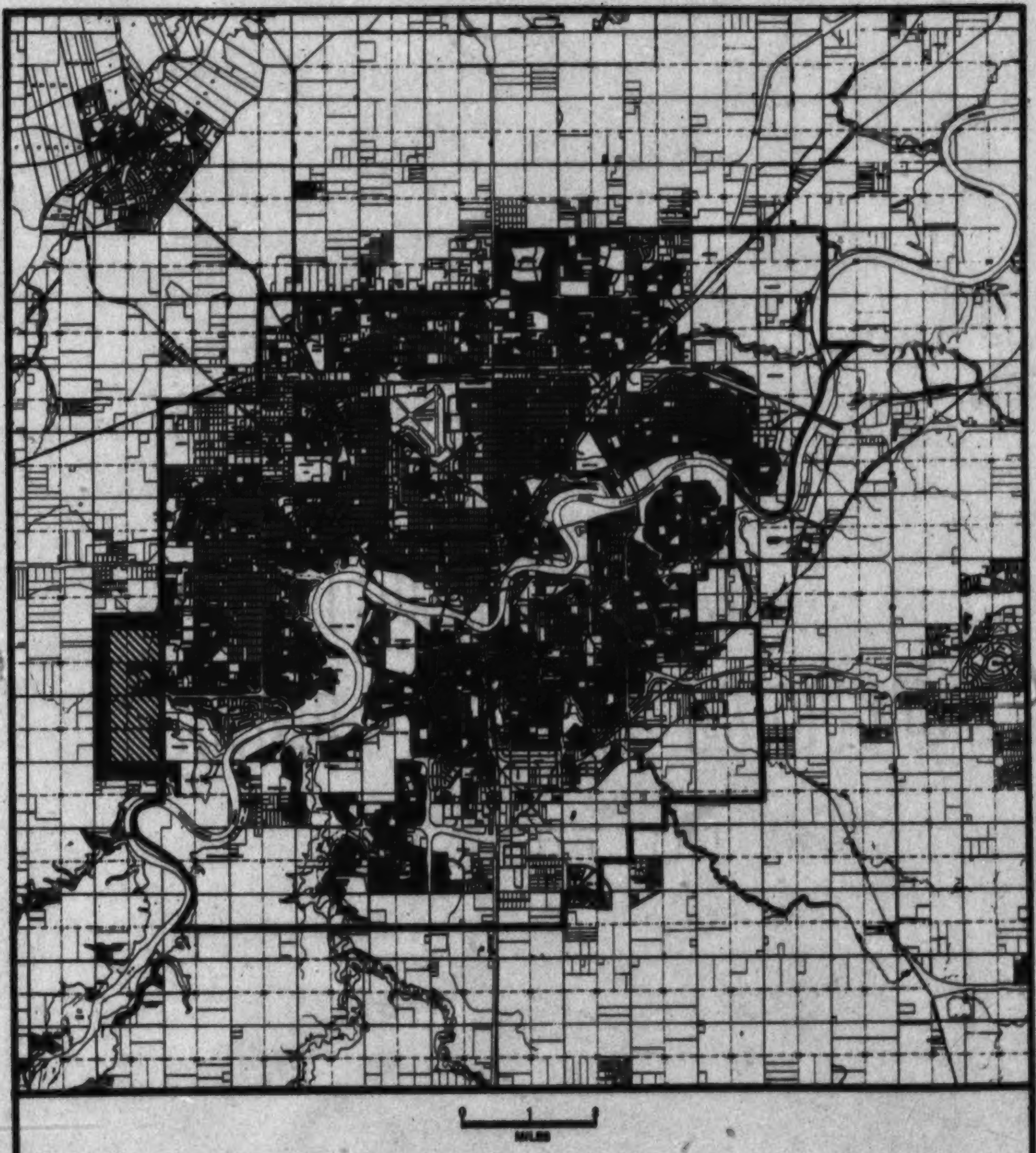

FIGURE 48

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: WEST JASPER PLACE
DATE 1969 BOARD ORDER NO. 3981

- ▬ AREA APPLIED FOR
- ▨ AREA ANNEXED
- ━ EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

approve the annexation, as long as one section to the north and another section to the south were also included.[57] Lamb Holdings Limited, an owner of part of the land, offered the following reasons for their support. They mentioned that the majority of the land owners were in favour, that there was a need to integrate the planning of the western area of the city and protect it from small holdings, that the annexation was fundamental to the proper economic development and logical planning of areas already within the City, and that Section 22, already annexed, could only be serviced when this annexation was completed because it was isolated by a ravine.[58]

Opposition came from Ravine Gardens Development Limited who stated that the Outline Plan was contrary to the General Plan, that the demand by land owners was not unanimous and represented only 16 out of 59 (i.e. the application was from the owners of 80-85 per cent of the land, not from 80-85 per cent of the owners) and they complained that developing this land worked against the owners of undeveloped land within the City.[59]

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[57] Letter to A.F. Macdonald from O.W. Schuster of the M.D. of Stony Plain #8 , August 23, 1968.

[58] Submission of Lamb Holdings Limited, October 3, 1968, to the Local Authorities Board.

[59] Submission by Ravine Development Limited to L.A.B. October 7, 1968.

In a further submission to the Board, the M.D. of Stony Plain argued that the annexation would cause administrative problems, waste and duplication, mostly because of the irregular western boundary that the City would take on. It was for this reason that the M.D. wanted to see the extra sections added. The annexation was also condemned as piecemeal, since it was only a portion of the outline plan area and would therefore cause confusion, uncertainty and inefficiency, without promoting early development.[60]

The Board's Decision: The Hearing was held on October 7th and 8th, 1968. After hearing arguments from the above mentioned parties and others, the Board approved the annexation. It expressed some sympathy with the difficulties created for the M.D. of Stony Plain, but could not acceed to its demands because the owners of the sections to the north and south did not receive notice of the proposal. It appears that the additional areas would have been annexed had this been done. The Board felt that difficulties for the M.D. would be relieved through negotiations with the City.

The Board also mentioned that it would include tax protection for agricultural activities in the area but could not order a specific sale price of the land (requested by some owners) since it was not within the Board's authority. The other conditions of the Order dealt mostly with assessment and taxation in the standard manner.[61]

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[60] Submission by the M.D. of Stony Plain to the L.A.B. October 4, 1968.

Discussion. The Board recognized the need for more residential land in the City of Edmonton and approved the annexation, but it would seem that they would have approved a larger annexation bid, since they partially supported the arguments of the M.D. of Stony Plain. It appears that once again the ownership of land played a significant role in the successful annexation bid, since the consent was gained from the owners of the majority of the land, not the majority of the land owners.

The Annexation of Lands to the North of the City - The B.A.C.M. Annexation, Board Order 5010, 1971

Initiation and Application of the Proposal: On October 23, 1969 the City Council resolved that lands west of 97 Street and north of 137 Avenue be considered for annexation (Figure 49).[62] It was further recommended that the land to the east of 97 Street await general annexation proceedings that

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[61] L.A.B. Board Order 3981, December 19, 1968.

[62] City of Edmonton Council Meeting No. 52, Oct. 23, 1969.

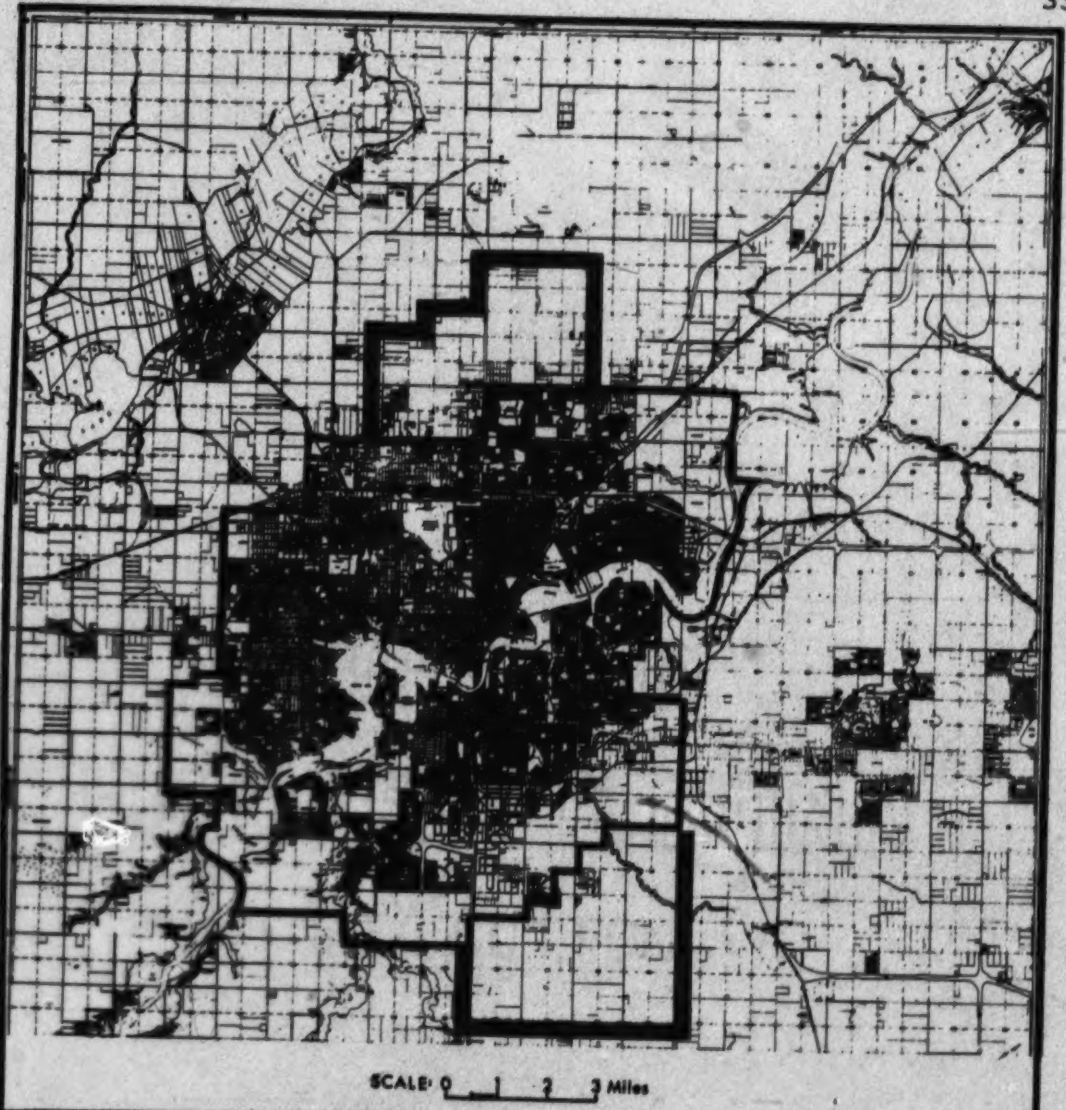

FIGURE 49

CITY OF EDMONTON (1973 Base Map)

ANNEXATION : B.A.C.M. AND S.E.D.A. (SOUTH)
DATE 1971 BOARD ORDER NO. 5008, 5010

▬ AREA APPLIED FOR
▬ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

were under study at that time. On January 12, 1970, after the study was completed, a petition was sent to the Board requesting the annexation of both the land to the east and west of 97 Street. This petition included the consent of the majority of the landowners, one being B.A.C.M. Limited.[63]

The basis for the annexation was that the area was a logical extension of Edmonton's residential development, which had reached the northern boundary of the City; that the lands were at that time not being put to their optimum use (i.e. residential), and this would not happen without annexation; and that the area was very suitable for residential development because of topography, tree cover, location away from polluting activities, accessibility to the heart of the City and proximity to proposed freeways. The petition also stated that the factors determining the boundaries were the limits of the North Saskatchewan River drainage basin and the flight paths and hazard areas of Namao Airport.

On April 29, 1970 the City sent to the Board a copy of the formal resolution concerning the annexation. It stated

> that the City give its consent in the necessay statutory form to the annexation of the lands involved in the BACM annexation

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[63] Petition from Field and Hyndman Barristers for B.A.C.M. Limited, January 12, 1970.

> proposal and in addition approve in principle the servicing and development of such lands commencing at an early date, the developer to negotiate a performance bond and development agreement in a form satisfactory to Council; that support of this annexation proposal means that there is a clear understanding that the City is not committed in any way to the installation of services or building of roadways until development agreements satisfactory to the City have been completed between the developers and the City along the lines of the recommendations (a) to (h) inclusive contained in the Commission Board Report dated October 23, 1969, and that the developer agree to utilize the services of all available City utilities in servicing the annexed area.[64]

The recommendations mentioned in the above quotation were as follows:

> (a) a proper examination of the engineering feasibility and costs involved;
> (b) a clear indication of the staging of development;
> (c) a complete and accurate statement of commitments of the Company with regard to development of land and the commitments which the City will be obliged to undertake;
> (d) a commitment with regard to the method of handling the very difficult fragmented subdivision areas;
> (e) for the proper integration of major regional roadway connections;
> (f) adequate buffering to any residential development in the vicinity of Speedway Park; (93 decibel recording-October 12, 1969);
> (g) that this be contingent on the Company's dedication of 50% as indicated in their proposal with a guaranteed minimum of 10 acres whichever is greater, and in no case in any area annexed will the dedication be less than 40%;
> (h) that any additional land requirements by the City can be purchased at the Company's average cost per acre plus carrying charges.

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[64] City Council, resolution, October 13, 1969.

> It is further recommended that the land east of 97 Street await general annexation proceedings which are currently being studied by the municipalities involved, the City, and the Government of the Province.[65]

Opposition to and Approval of the Proposal: There was some opposition to the annexation. Mayor Gibbon of St. Albert was concerned that the greenbelt between the Town and Edmonton might be endangered and that more traffic would be carried on Highway 2 north.[66] As well concern was expressed for the autonomy of the town. The Department of Highways, though, was not opposed to the proposal, except to point out that no new access from Highway 28 would be allowed.[67] The main opposition came from the M.D. of Sturgeon No. 90, with the following arguments. The application was motivated by the owners' desire to sell off their agricultural land, but this was not sufficient reason to grant an annexation. There was no need for the annexation for residential purposes because of the large scale development that was intended in the Mill Woods area. The land was not suited for residential uses due to the noise and crash hazard of the airport and the noise of Speedway Park. There would be a serious financial hardship on the M.D. of Sturgeon which would have to increase its tax rate by eleven mills to compensate for the loss of assessment, property taxes and provincial grants. Finally, the irregularity of the proposed boundary would make it difficult for the M.D. to administer its remaining territory on the northern margin of the City.

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[65] Letter to the Board from May Gibbon of St. Albert, May 4, 1970.

[66] Loc. cit.

[67] Letter to the Board from the Department of Highways, April 7, 1970.

The Sturgeon School Division No. 24 was also opposed to the annexation because it was already hard pressed financially. With a loss of territory it would experience further educational, financial and administrative problems.

Calgary Power was anxious about its right to supply electricity to the area, under the Fringe Area Agreement of January 1, 1961.

Landowners in the area who did not petition the Board, requested that tax assessment be on the same basis as the rural municipality until the annexed land was developed. Others opposed the annexation on the grounds of its size, its prematurity, its effects on taxation, and the impending disruption of the community. Others supported the annexation on the grounds that the area was socially and economically tied to the city, that outward growth of the city had increased land values so that it was difficult to expand a farm operation, that subdivision approval was difficult to obtain, that the area was suitable for development and that the annexation would provide the landowners with the greatest potential use of their lands.

The applicants (80 per cent of the landowners of the area) further supported the application with the following reasoning: the city had a need for residential land; the development of the area in conjunction with a new university (the proposed but never developed Athabasca University) would lead to efficient planning of traffic arteries running north-south and east-west; any loss to the M.D. of Sturgeon because of the annexation of Griesbach Barracks would be offset by the increase in population resulting from the University proposal; and the financial and administrative problems of the Sturgeon School Division No. 24 were due to the loss of territory, functions and enrollment over a period of years.[68]

The City supported the application of the landowners on the following grounds: the adjustment of boundaries and the ensuing development would create the greatest good for the greatest number of people; the addition of the area would assist the City in meeting its long range needs for lower cost housing; the City needed the lands to meet residential growth requirements; the M.D. should be able to adjust to the losses of territory and revenue; and rezoning of the lands for urban uses must be considered by the E.R.P.C.

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[68] L.A.B. Board Order 5008, Dec. 3, 1970. Note. The Athabasca University proposal has been tabled as far as construction of a campus near St. Albert is concerned.

The Board's Decision: The hearing was held on May 19, 20, 21 and 22, 1970, and the Board subsequently approved the annexation.[69] It presented three main views and findings:

> Firstly, the petitioners established to the Board's satisfaction that this additional area along with other lands, was needed by the City of Edmonton to induce a reduction in land prices through providing an increased supply of raw land suitable for development of medium and low cost family residences.[70]

The Board noted that the price of raw residential land in the city at the time of the annexation proposal was $7,000 to $11,000 per acre, whereas $3,000 to $3,500 was the most that would still permit the construction of low and medium income, single-family housing. The Board expected that the B.A.C.M. and the southeastern annexations would lower the cost of housing by $1,500 per unit.[71]

> Secondly, the area, on the basis of evidence presented to the Board, is largely suitable for development for urban residential purposes.[72]

The Board stated that it was servicable (economically) due to its topography, which allowed for surface drainage and hookups with the City's systems. The area was relatively free from buildings and topographical obstructions, and was large enough to be an economical planning unit. There were no obnoxious industries nearby, and noise studies of Speedway Park and the Airport did not show any serious problems. Nor did there seem to be a great danger of aircraft crash.

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[69] Loc. cit.

[70] Edmonton Journal, December 19, 1970, p. 1.

[71] Loc. cit.

[72] Loc. cit.

> Thirdly, any financial or administrative problems that the Municipal District of Sturgeon No. 90 may suffer as a result of the annexation being granted are solvable by the authorities themselves or with complementary action at the level of the Lieutenant Governor in Council [section 26 (6) of the Municipal Government Act] in respect to municipal financial difficulties and by the Minister of Education in respect to school financial and administrative difficulties and should not obstruct anticipated municipal and school developments aimed at providing the greatest good to the greatest number.[73]

The Board found that the revenue from Griesbach Barracks ($150,000) would be lost to the M.D. but that this was largely unearned revenue and should accrue to the City upon annexation as justifiably as to the M.D. before annexation. Cases of financial hardship resulting from the annexation were referred to the Minister of Municipal Affairs on the basis of Section-23 of the Municiapl Government Act. Difficulties of the School Division were not within the Board's jurisdiction since it has no power to alter School Division boundaries. These complaints were referred to the Minister of Education. The Board decided not to infringe upon the rights of Calgary Power Ltd., as described in the Fringe Area Exchange Agreement and the

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[73] Loc. cit.

City. The Board refused to support the City by issuing conditions in the Order to cause the to-be-annexed area to obtain electrical power from the City. Finally, the Board stated that when eighty percent of the land owners are represented in an annexation proposal, it does not normally issue protective conditions with respect to land assessment. However, because the area included large areas of agricultural land that might not have been urbanized for many years, the Board felt that _bona fide_ farmers should not suffer from tax disadvantages.

Discussion: The policies of the Board regarding land need and suitability are again expressed in this Order, and it becomes increasingly apparent that this is one of the most decisive factors in an annexation decision. It is clear that neither this Board nor its predecessors was inclined to allow wholesale land-grabbing and tax-grabbing, especially at the expense of the surrounding municipalities.

The Board also recognized the fact that annexation may have a direct effect on the land prices in other parts of a city. For example, in 1969, the minimum price of a serviced lot in a new subdivision in Edmonton was $7,500, whereas in Calgary the average price was $5,000.[74]

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[74] Alberta Housing and Urban Renewal Corporation, _Satellite Community Study_. A.H.U.R.C. October, 1969. p. 10.

This was attributed to the differences in annexation history of the two cities, and Calgary's more abundant supply of residential land. The desire to reduce land prices was therefore accepted as an important aspect of the demonstration of need.

The Board also continued to be concerned with the negative effects of annexation on the diminished municipality. However, these effects, when relieved by various methods available outside the Board's jurisdiction, were not considered to be major factors in the decision. It would obviously have been different if no relief was available through an official body or organization.

A direct policy statement was made by the Board concerning the majority landowner vote. Tax protection will not be afforded to the landowners when an 80 per cent vote is received for the annexation. This is because the majority of the residents had brought the new situation upon themselves through the application.

The South East Development Area (S.E.D.A.) Annexation, Board Order 5010, 1970

Initiation and Application of the Proposal: The area in question (Figure 49) was purchased on the City's behalf by the Alberta Housing and Urban Renewal Corporation in 1969 for the development of a major residential community (Mill

Woods) within 20 years.[75] On September 18, 1970 the City formally petitioned the Local Authorities Board for annexation, with the approval of the County of Strathcona, the Edmonton Regional Planning Commission and the Department of Highways. Along with the petition the City sent a formal submission to the Board, which clearly explained the City's intent in the area.

The submission stated that the area was extremely well suited for residential use due to its topographical variety (slightly undulating). The submission also included a brief background to the application. It was claimed that the City was having difficulty in maintaining an adequate supply of housing. With the decline in serviced lots in the 1960's, prices went up drastically. Land acquisition in Mill Woods was started in 1969, in effect to build up a bank of comparatively low cost land in the hope that lower housing costs would eventually result.[76]

Some portions of the applied-for area were not designated as part of the S.E.D.A. area. A zone to the west was to serve as a light industrial and railway use area, while a zone to the south was designated as a buffer facilitating future development and leaving land open for a future ring road.[77]

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[75] Edmonton Journal, August 13, 1970.

[76] Submission of the City of Edmonton to the Local Authorities Board. August, 1970, revised November, 1970. p. 3.

The total area applied for in the annexation contained approximately 8,000 acres of which the province owned about 7,100 acres or 51 per cent. Within the residential area the provincial ownership was 70 per cent. It was intended that the whole area would be developed as an "outline plan area", in accordance with City policy. In the planned area there would be commercial outlets, schools, residences, parks, public facilities and so on.[78]

Approval of and Opposition to the Proposal: No objection was received from the County of Strathcona, other than a suggestion that the southern boundary of the annexation should have extended in a straight line west to the North Saskatchewan River.[79] This was a bid to make the southern area easier to service, on the grounds expressed by the M.D. of Stony Plain in the West Jasper Place annexation. However, it may also have been a bid to push Edmonton's growth in a southwesterly direction rather than easterly toward the industrial area.

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[77] Ibid., pp. 4 - 5.

[78] Ibid., p. 7.

[79] Letter from Brownlee et al for the County of Strathcona to the L.A.B. October 19, 1970.

Land owners in the area, although not objecting to the annexation, expressed concern over infringements on their existing rights in the County of Strathcona, through assessment, taxation, the location of utility and sewer lines, and subdivision regulations. Calgary Power expressed concern over its transmission line corridors and its exclusive service rights in the area.

The Board's Decision: The hearing was held on November 24, 1970 and the subsequent Board Order approved the whole of the annexation bid on the following bases.[80] The City had established that it required the lands and showed that they were suited for the purposes which they were to be put. A shortage of comparable land in the City had kept land prices above the reach of medium and low income groups. The large area owned by the Province would ensure reduced and controlled lot prices. The area was capable of economic development because of existing and planned utility trunk lines and road systems. The area was not heavily populated or built up, and its topography allowed the possibility of flexible plans. Protection to *bona fide* farm operations would be given since some of the land would not be developed for 20 years.[81]

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[80] Board Order 5010, December 3, 1970. L.A.B.

The conditions of the Order were again typical and dealt with the taxation and assessment of the land and the protection of franchise agreements.

Discussion: This was a very significant annexation for the City of Edmonton. Together with the B.A.C.M. annexation, it showed the City's concern over the high cost and short supply of housing in Edmonton. These annexations appear to be the first concerted efforts by the City of Edmonton to do something about a poor situation that had existed for a number of years, due largely to past annexation policies.

The Board recognized the City's housing problems and, with an apparent concern for the lower and middle income groups, used this in part to make their decision. The fact that so much of the land was already in government ownership was probably influential too, if only because the prospect of opposition was greatly reduced.

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[81] *Loc. cit.*

The West Jasper Place Annexation (1972), Board Order 5626, 1972.

Initiation and Application of the Proposal: On March 21, 1971, the Local Authorities Board received a petition for the annexation from the landowners in the N.E. ¼ of Section 20-52-25-W4th, which was immediately west of the West Jasper Place annexation area (1969).[82] This application was opposed by the City of Edmonton, the Edmonton Regional Planning Commission and the County of Parkland 31 (formerly the M.D. of Stony Plain.[83] The opposition was mainly based on the fact that it was a piecemeal bid to annex part of a larger area that was already under consideration. In fact, the City and the County of Parkland came to an agreement shortly after, and the City applied for the larger annexation on October 27, 1971 (Figure 50).[84] The Board therefore decided to withhold decision on the smaller application.[85]

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[82] Letter and petition from Broda, Cox et al Barristers and Solicitors, for the applicants to L.A.B. March 19, 1971.

[83] Letter from A.F. Macdonald to L.A.B. May 14, 1971.

Letter from R.N. Giffen to L.A.B. May 13, 1971.
Board Order 5630, L.A.B., January 27, 1972.

[84] Petition of the City of Edmonton, to the Local Authorities Board, September 10, 1971.

[85] Board Order 5630, op. cit.

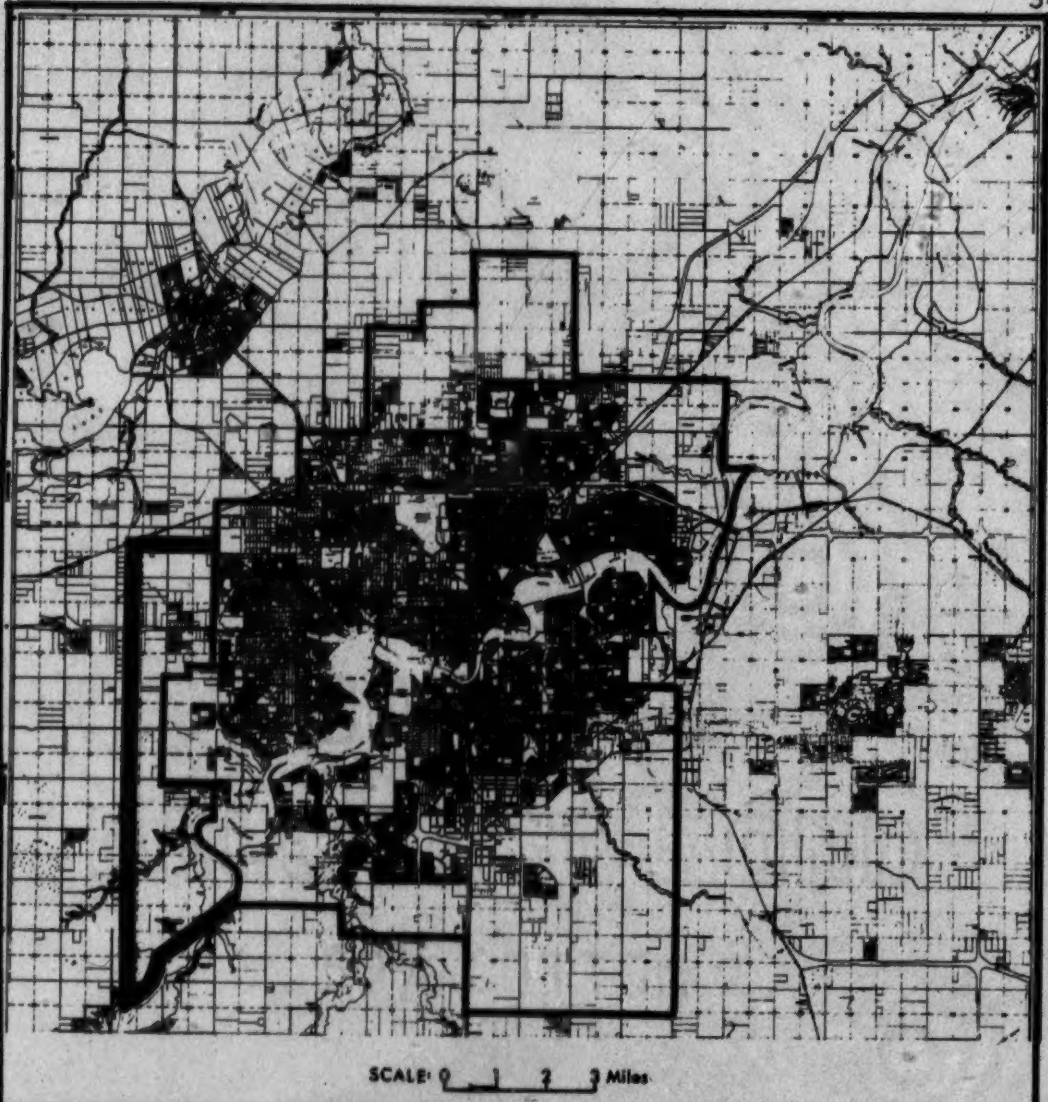

FIGURE 50

CITY OF EDMONTON (1973 Base Map)

ANNEXATION : WEST JASPER PLACE
DATE 1972 BOARD ORDER NO. 5626

▬ AREA APPLIED FOR
▬ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

In its petition the City offered the following justification:

> The essential purpose of the proposed annexation is to provide the City with a sufficient area of land on the western limit of the City to permit gradual development of the City to the west in a planned and a non-piecemeal basis which will permit planning of roads, utility extensions and the development of housing, school sites, business and recreation areas on a regional basis. The City Council anticipates that the present application if approved will provide an adequate expansion area on the western city limits for some years into the future.[86]

Approval of and Opposition to the Proposal: There was very little opposition to the annexation proposal. The Highways Department granted approval, as did the County of Parkland.[87] Most of the landowners also approved, though some requested the Board to consider maintaining the present assessment basis unless further improvements were made and allowing zoning decisions to be made so that subdivision could commence and land be sold. They also requested that a water line be installed to certain areas at the expense of the residents since they were paying exorbitant water hauling fees.[88]

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[86] *Loc. cit.*

[87] Letter from V.E. McCune, Department of High ways, October 12, 1971.
Letter from Hurlburt *el al* for Parkland, Dec. 20, 1971

[88] Mimeo, Filed November 29, 1971.

The submission of the City stated that the main purpose of the annexation was to complete the acquisition of lands needed for the West Jasper Place outline plan area. The boundaries were designed to allow development to proceed in an orderly, logical and economical sequence. Trunk services and roadways could easily be provided for movement to the east. The north boundary was drawn beyond the outline plan area to provide for future expansion of the industrial sector. The west boundary was one half mile further than the outline plan area, because this would allow for flexibility in locating the ring road that would ultimately set the west boundary of the outline plan area. The boundary to the south was the North Saskatchewan River, which offered great recreation potential on flood plains, ravines and escarpments.[89]

The area would include the development of low to medium density residential uses, commercial areas, schools, parks, public facilities and so on. The site was gently undulating, wooded and near the river and was thus an excellent potential environment for high quality urban living. Its open undeveloped character would greatly facilitate the prepation of plans and permit flexibility in overall planning.[90]

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[89] Submission by the City of Edmonton to the L.A.B. November 11, 1971.

[90] Loc. cit.

The Board's Decision: On November 29, 1971 the hearing was held. The two municipalities were in agreement, so there was little difficulty in processing the hearing quickly. Interested land owners and residents were allowed to question officials from the municipalities concerning schools, extensions of sewer and water systems, road maintenance and so on. The three main issues were zoning, sending children to specific schools and the installation of water lines and fire hydrants, none of which the Board felt to be within its purview.[91] The annexation was therefore approved.

Discussion: This annexation was much like the S.E.D.A. addition in that it was processed relatively quickly, a fact that may be attributed to prior agreements between the municipalities involved. It appears that the City had at last found an effective submission format. Both submissions were similar in presentation and readily satisfied the Board with regard to such factors as proof of need, land suitability and planning.

It appears from these cases that larger annexations were not necessarily more difficult to deal with than small ones. This may be due to a number of factors. The high proportion of City land ownership reduced the resident opposition, while the combination of ownership and scale removed the favourite source of municipal opposition, piecemeal annexation. The outline plan approach also seemed to expedite matters with the Board, though that does not necessarily mean that the City gained in time. The preparation of the outline plan, the negotiation of development agreements and other procedural details are also very time consuming, possibly to the point of provoking landowners into making their own piecemeal bids, as in the cases of lots A and B in West Jasper Place.

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[91] Board Order 5626, January 24, 1972, L.A.B.

The Kaskitayo Annexation, Board Order 6474, August 8, 1973

Initiation and Application of the Proposal: On the 28th of November, 1972, a majority of land owners petitioned the Local Authorities Board to have an area within the Kaskitayo Outline Plan annexed to the City of Edmonton (Figure 51). The petitioners requested this to

> ... facilitate the orderly development of the City and the provision of housing and other developments for the inhabitants of the City. The lands sought to be annexed form a natural extension of the City.[92]

The Kaskitayo Outline Plan was not actually used by the Municipal Planning Commission until February 15,

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[92] Petition of the majority of the landowners to the L.A.B. November 28, 1972.

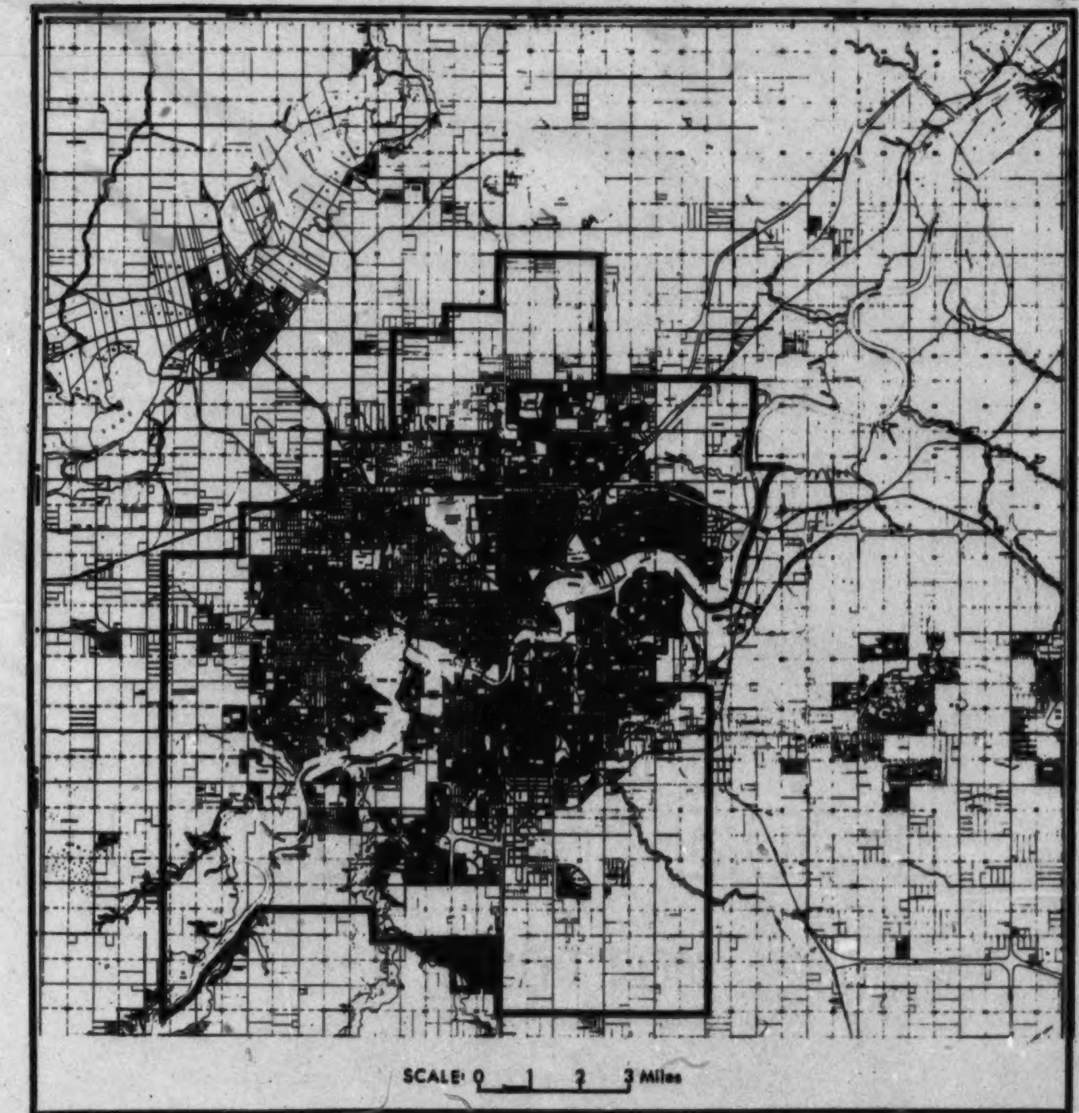

FIGURE 51

CITY OF EDMONTON (1973 Base Map)

ANNEXATION: KASKITAYO
DATE 1974 BOARD ORDER NO. 6474

- - - - AREA APPLIED FOR
■ AREA ANNEXED
—— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

1973,[93] but this cleared the way for the City to support the annexation proposal, on the following conditions:

> 1. That the applicants will be subject to the development policies of the City of Edmonton as set out in the standard terms of reference for a Developer's agreement as adopted by Council July 17, 1972.
> 2. That there will be no tax concessions given to any lands annexed to the City under this application.[94]

The Outline Plan was prepared by private consultants for the landowners, who acted after reading a City report, Kaskitayo Outline Plan Area: Development Policy and Guidelines Report, which stated that major residential development would occur south of 35 Avenue and west of the Calgary Trail (Highway 2 south). The report established a basic frame of reference and policy guidelines to be used for the preparation of the plan.[95] The plan established the distribution of the major land uses and the transport network as a base upon which subdivision work could be done. The area was designed to be largely residential, offering single family to apartment densities and including commercial outlets, schools, parks and other community facilities. The City suggested that the area could easily be tied into existing utility trunk lines. It further suggested that it would be in the City's interest to develop the land as quickly as possible and that annexation would enhance this.

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[93] Municipal Planning Commission Meeting No. 8, February 15, 1973.

[94] Submission by City of Edmonton, April 1973.

[95] *Loc. cit.*

A further submission by the applicants, giving more planning reasons in support of the annexation, was presented at the hearing. Furthermore they requested that they be given a tax concession, to the extent that the lands bear the same amount of tax as they did in the County. This was on the grounds that the escalation in tax rates on land held for development would ultimately lead to higher costs for the home buyer. The tax should not be applicable until the land was used for development.

The Board's Decision: The Board issued its order on August 8, 1973.[96] They made note of the submission by the applicants and their request for tax concessions, the approval of the Edmonton Regional Planning Commission, the non commital stand of the County of Strathcona and its objection to the annexation of the areas southwest of Blackmud Creek, and the support of the City of Edmonton.[97] Opposition was also noted concerning lands in Section 32 where a farm would be bisected by the annexation and from owners of lands southwest of Blackmud Creek. Further opposition was expressed by some owners within the annexed area. A broader view was represented by the Edmonton Tax Payers' Association, who argued that there were 40,000 acres available within the City for development, and that servicing the new land in Kaskitayo would cause increased costs with no assurance of an increase in the related residential tax revenues.

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[96] Board Order 6474, August 8, 1973, L.A.B.

[97] Loc. cit.

The Board ordered the annexation of most of the Kaskitayo area. The land that was not approved included that in the southwest quarter section 32-51-25-W4th and a small area in the southeast quarter of the same section.

The reasons given for the annexation were quite extensive. The Board noted that the City needed the lands for residential development, and that the economics of trunk extension in the neighbouring City area should make allowance for the potential customers in the annexed area. The Board also disagreed with the Taxpayers Association estimate of available land. Rather than 77,000 acres of undeveloped land, there were only 14,000 - 16,000 acres that were suitable for residential purposes. As well, the the City would be receiving substantial tax revenue from the annexed area, and a portion of a highly improved road. The Board stated that its main concern was what would happen to the land if it were not annexed. This reflected a fear that the Outline Plan might be jeopardized by haphazard development if the area was not under the City's control.

The Board fought against the City on the question of tax concessions. This was mainly because certain areas annexed by Board Order 4804 were being assessed at $3,900 per acre while they were still in use as farmlands (The normal agricultural assessment would have been $42 to $64 per acre.) The Board did not grant a tax concession in that Order. The Board also made note of the fact that they believed that improvement to farms should not be taxed.

It is apparent that Blackmud Creek appeared to the Board as a natural boundary. Because there was opposition to the annexation of lands to the southwest of the creek, that area was refused.

The annexation shows again the concern of the Board for the planning and development of the Edmonton area. Again, there was little opposition to the annexation from the main parties, the City having dealt with the landowners privately.

THE LOCAL AUTHORITIES BOARD AND CALGARY:
A UNICITY IS CREATED

There was little annexation and amalgamation activity in the Calgary area after 1961, since the city had sufficient land in which to grow and since most of the peripheral urban developments had become part of the City. This period saw merely the addition of the remaining fringe communities, and some minor annexations which were oversights of previous annexations and amalgamations.

Strangely, this period also included the unexplained piecemeal addition of a 480 acre tract which is still undeveloped.

The Amalgamation of Montgomery and Calgary, Board Order 937, Decision 813, August 1, 1963

Initiation and Application of the Proposal: There were many groups and individuals in Montgomery who wished to have the Town amalgamate with the City of Calgary. Petitions were sent to the City six times between 1951 to 1963. The first five were rejected. As well, there appeared to be some internal difficulty in the Town among the councillors and lobby groups and this resulted in a request to the L.A.B. for a petition for a plebiscite on the amalgamation of the municipalities. This was initiated by the councillors who lost a council vote on the matter and who felt the majority of the residents did not want the amalgamation. They were told that it was not a Board matter. The final petition was initiated by a resolution of Town Council and passed on November 28, 1962.[98]

The Calgary City Commissioners approved the request for amalgamation basing this on the fact that a number of improvements had occurred in Montgomery, thereby reducing the costs of the City of Calgary. However, they realized that there would still be a large amount of capital required for investment into the area. This would involve, among other things, about $70,000 to $100,000 for a sewer system. The Commissioners noted that they were always in favour of the total unity of the area even before it was recommended by the McNally Commission. They found that further delays might prove too costly and it was recommended that the amalgamation be granted.[99] The City Council likewise voted in favour of the amalgamation.[100]

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[98] Minutes of the Town Council Meeting, Item No. 6, November 28, 1962.

Opposition to and Approval of the Proposal: At the hearing held on February 25 and 26, 1963, the Town Council submitted a report explaining its position.[101] In general, the Town felt that the interests of the people would be better served if it was to be amalgamated with the City. A number of reasons were given: the town was totally hemmed in by Calgary on the east, south and north, and by the Town of Bowness on the west, leaving little room to grow; the boundaries separating the Town from Calgary were believed to be unrealistic since they did not take into account topography, economic unity, population density and tax capacity; and the Town had no industry and little likelihood of attracting any, especially with no railways in the area and with the close proximity of the City. An unbalanced residential/commercial tax base was an obvious result. Shopping by the town residents in the city also reduced the town's commercial potential. The bulk (90 per cent) of the town's working people were employed in the city, which thus obtained the taxes from the establishments where they were employed, while the Town had to supply the services and facilities for their residences. It was argued that the residential tax base did not meet the income demands of the services. The town's credit rating was very low, making it more difficult to provide urban amenities and facilities, so the towns people were forced to look to Calgary for their water and sewer systems, and their parks and swimming pools. The town had survived largely due to provincial grants since, like Jasper Place, it was faced with high school costs.

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[99] City of Calgary Commissioners Report, Dec. 5, 1972.

[100] Minutes of the Calgary City Council Meeting, no date, certified by the City Clark, February 25, 1963.

[101] Submission by Montgomery Town Council to L.A.B. no date.

The councillors opposed to the annexation also presented a brief to the Board giving reasons why the amalgamation should not occur. They argued that the Town was economically sound, although the tax arrears were somewhat high. Furthermore, upon annexation the costs of servicing would not go down, and therefore servicing cost reduction could only occur if the service performance was reduced. They also suggested that although industry was lacking there was significant growth in the town as far as building permits were concerned. They also suggested that Calgary had enough land for pending developments and expressed fear of the further centralization of the City government, which would cause less personalized service to the electorate. They argued that efficiency did not increase with consolidation, and that planning would not necessarily be improved. They also drew attention to the City of Calgary - Morraine Investment deal of 1961, and suggested that this might still be a concern of the City.

The Board's Decision: On June 14, 1963, the Board approved the amalgamation of the Town with the City of Calgary,[102] apparently with little difficulty (Figure 52). The points made by the Town Council were largely reiterated in the decision, and were obviously persuasive. On the opposition's particular point of tax increases, it was noted that Montgomery's homeowners could have saved $2 to $3 per month on the City's assessment and tax rates.

Following the decision the Board issued an Order

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[102] Board Decision 813, June 14, 1963, L.A.B.

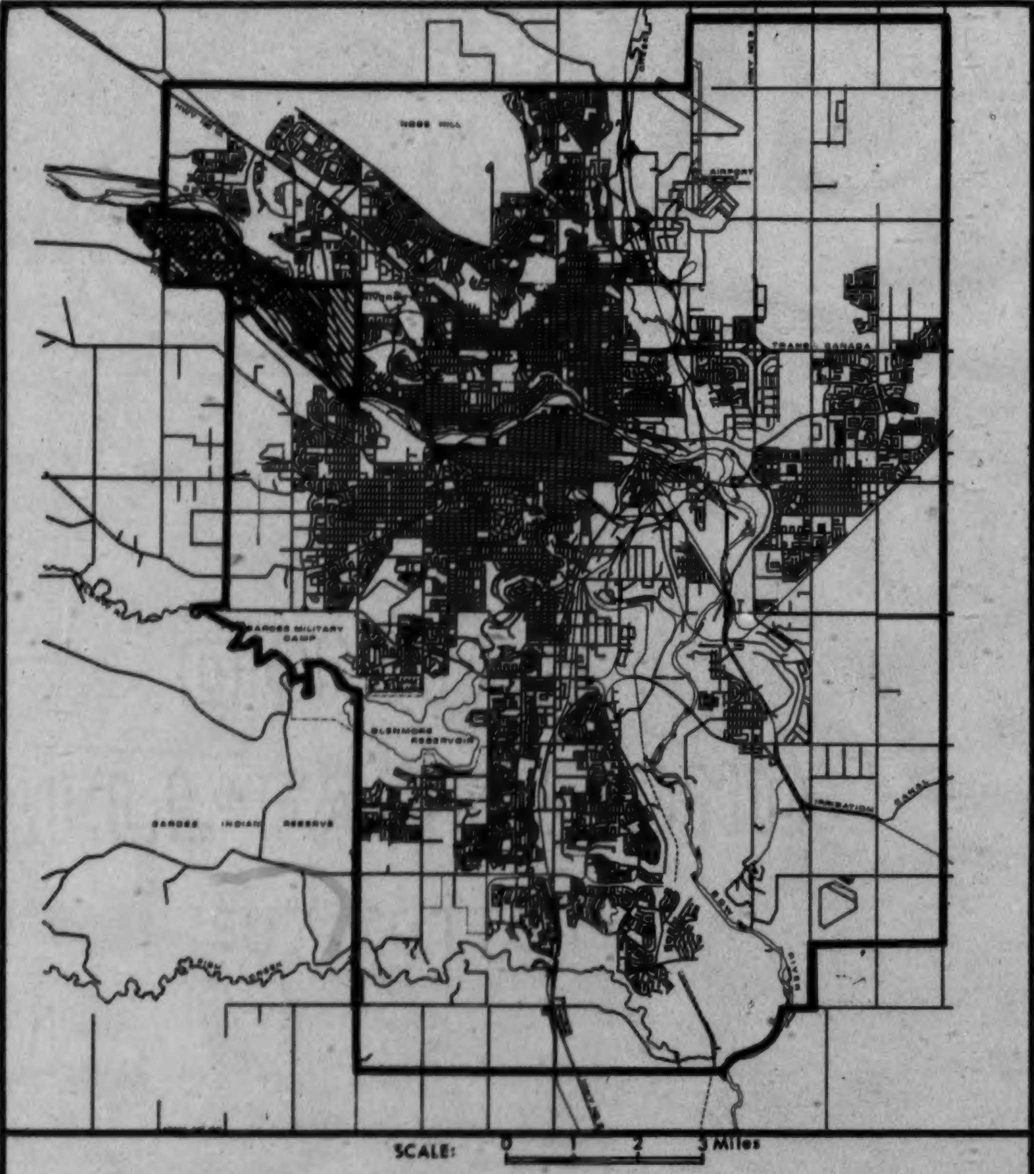
NOSE HILL
AIRPORT
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
SCALE: 0 1 2 3 Miles

FIGURE 52

CITY OF CALGARY (1973 Base Map)

AMALGAMATION WITH MONTGOMERY (1963) AND
BOWNESS (1964)

BOARD ORDERS 957, 1373

AREA APPLIED FOR —

AREA AMALGAMATED ▨ MONTGOMERY
▨ BOWNESS

SOURCE: LOCAL AUTHORITIES BOARD

stating the conditions of amalgamation.[103] The by-laws of the City would apply in the Town, except for some borrowing by-laws; assessment would be at the same levels as in Calgary, the Calgary business tax would be applicable, all debts, debentures, obligations and tax arrears would be assumed by the City of Calgary, the utility rates would be the same as in the City, all public services would be at the same standard as in the City and all franchises were protected.

Discussion: The Town of Montgomery was a typical fringe town, as described by the McNally Report, and could be compared with the Towns of Beverly and Jasper Place in Edmonton. The financial state of the Town was the obvious reason for its amalgamation with Calgary. It should be noted, as in Forest Lawn, that some of the elected officials were against the amalgamation and tried to block it, perhaps in their own interests. This may be a reflection of the parochial interests of politicians who are about to lose their positions and powers. It is a type of opposition that has often been documented. It is especially evident here where poor and sometimes incorrect arguments brought forth by the politicians to stall the proposal indeed showed that amalgamation was necessary. It is also evident that the Board saw the amalgamation as offering potentially great benefit to the residents of Montgomery at very little cost to Calgary.

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[103] Board Order 957, August 1, 1963, L.A.B.

The Amalgamation of the Town of Bowness with the City of Calgary, Board Order 1373, July 2, 1964, L.A.B.

Initiation and Application of the Proposal: This amalgamation was initiated by the residents of the Town of Bowness who petitioned the Town Council in June 1963 requesting a plebiscite on the issue.[104] The results were 1003 votes for and 397 votes against the amalgamation. Subsequently on January 21, 1964 the Town Council passed a resolution to apply to the Local Authorities Board for the change in boundaries. Calgary had indicated that although it did not seek the amalgamation it would not oppose it.

Reasons given for the amalgamation application were a desire to come under the protection of the Calgary Fire and Police Departments (although no complaint was lodged against the Bowness Fire Department) since insurance rates would go down if this was to happen, the expectation of a substantial saving in utility rates and the removal of a Calgary surcharge, and lower transit fares. (Bowness residents were asked to pay double fare by the Calgary system); and ac-ess to the specialized services offered by the City. There were also the familiar problems of high tax arrears and an unbalanced tax base with little prospect of industrial development (the Calgary District Planning Commission would not allow industry to the west of the city). The McNally Commission's support for unification was emphasized, too, particularly in relation to Bowness' inequitable role as a dormitory suburb of Calgary. In short, the case was essentially the same as for the other fringe towns of Calgary and Edmonton.

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[104] Submission to the Board by a Council member of the Town, no date, mimeo. D. Hornibrook.

Similar arguments were expressed in the official submission of the Town to the Board, with the added observation that a large population of young people added to the poor financial situation in Bowness. The Town did ask for recognition of existing frontage contracts with property owners, recognition of service records of Town employees when making new contracts, recognition of comparable service to the Town residents with regard to garbage collection, fire protection and police protection; and recognition of the Town's zoning.[105]

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[105] Submission of the Town of Bowness to the L.A.B., no date.

There were a number of representations at the hearing. Some councillors expressed the feeling that the Town had a good municipal service record.

A brief of the Bowness School District No. 4590 suggested that the education standard in the District was satisfactory, and might even be better than Calgary's. They also suggested that taxes for education were not an undue burden on the homeowner. It was suggested that little was to be gained from the amalgamation from the point of view of education.

A brief from a citizens' group suggested that the following costs would accrue to the Town: complete loss of council and local representation, loss of the local school Board, loss of a 10 per cent tax discount, no assurance of fire and police protection, loss of the local fire rescue car, reduction in the recreational budget, no assurance of local library facilities and loss of dumping facilities.

Other briefs suggested that amalgamation would bring a $60 per year saving on utilities and a $100 dollar a year saving on bus fares. As well, permanent employees were to be hired by the City without any loss of seniority.

The Board's Decision: On July 2, 1964, the Local Authorities Board approved amalgamation.[106]

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[106] Board Decision 1373, July 2, 1964, L.A.B.

The Board's reasons for the approval were that the Town was socially and economically a part of Calgary; that the Town was hemmed in and could not expand its industrial base; that its utilities were tied in with those of Calgary and could be operated more cheaply after amalgamation; that the Town's ratepayers would have their tax rates reduced by about 8 mills; transit fares would be less; that a majority of the citizens wanted the amalgamation; and that the City was not opposed. As well, the Board expected fair treatment of the Town's permanent workers.

Annexation of Islands in the Bow River, Board Order 1289, 1964.

This is a very minor annexation dealing with the islands that were overlooked in the Bowness amalgamation No material was filed concerning the annexation, but it appears that there was little opposition, if any.[107]

Annexation of a Portion of Section 4-25-2-W5th in Northwest Calgary, Board Order 2925, 1967

This is another minor annexation for which there was no information on file.

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[107] Board Order 1289, May 5, 1964.

The Annexation of three Quarters of Section 17-25-1-W5th, North of the City Limits, Board Order 5505, 1971

Initiation and Application of the Proposal: This is the last annexation that occurred in Calgary within the study period. It was initiated by a group of landowners and a development company, Carma Development Limited, who owned more than 50 per cent of the land (Figure 53).[108]

The purpose of the annexation was to provide the City of Calgary with serviced land for moderately priced homes ($14,000 to $18,000). The petitioners argued that there was, at the time, little land available in the City for housing. They argued that the lands formed a natural extension to the City's residential area and did not interfere with freeway plans in the vicinity. Furthermore it was stated that it was a discrete planning unit. A plan for the new subdivision was also filed. The land was well suited for residential development, since it was easy to service, had interesting topographical characteristics, had no existing development and was easily tied into the existing City. Another benefit to the City and its residents was that it would provide $50 million of construction, and employment for many workers. The developers requested that no hearing be held.

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[108] Petition to the Board Received March 10, 1971 from Carma Developers et al also April 21, 1971.

Approval of and Opposition to the Proposal: Approval was given by the Department of Highways, but the Calgary District Planning Commission indicated concern with the piecemeal and premature nature of the proposal.[109] The Municipal District of Rockyview expressed its opposition since it was a piecemeal addition with irregular boundaries, and should have waited until the City's growth studies were completed.[110]

The City of Calgary expressed concern over having an irregular boundary along the north, and passed a resolution favouring the annexation of eight square miles rather than three quarter sections.[111] Nonetheless, it endorsed the application since it would lead the way for the annexation of the whole eight mile strip.[112] The Calgary Regional Planning Commission passed a motion supporting the annexation on the condition that a coterminous school boundary be created.

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[109] Letter from V.E. McCune to L.A.B. April 1, 1971.

Letter from C.R.P.C. to the Board, April 7, 1971.

[110] Letter from D.A. Lenihan, Sec. Treasurer, M.D. of Rockyview, April 23, 1971.

[111] Commissioners Report C. 27, April 21, 1971 (Calgary)

Letter from Assistant City Clerk, April 29, 1971 to the L.A.B.

[112] Minutes of the Calgary Regional Planning Commission Meeting May 7, 1971.

At the hearing held by the Local Authorities Board a number of new arguments were presented. The petitioners argued that the area was part of a future proposed expansion, that the subdivision plan would have adequate open spaces for parks and schools and so on, and that lot prices would be reduced by $1,000. The M.D. opposed with further arguments. They suggested the City should limit development to within its own boundaries until 1978 (based on the General Plan), that planning of the general area should be advanced first and that the annexation would leave the M.D. in an uncertain position with regard to the long range planning of roads, schools and subdivisions.[113]

Strong opposition came from the Calgary School Board, which stated that the area would be isolated for a number of years, making it impossible to integrate its schools with the overall system and requiring the busing of high school students. In the event of annexation, they requested that the developer supply fully landscaped and serviced elementary and junior high school sites, a public junior high school facility and other schools when required.

The Board's Decision: The Board approved the annexation on the following grounds. The applicant established that there was a need for the land and for the uses to be put

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[113] Board Order 5505, November 1, 1971, L.A.B.

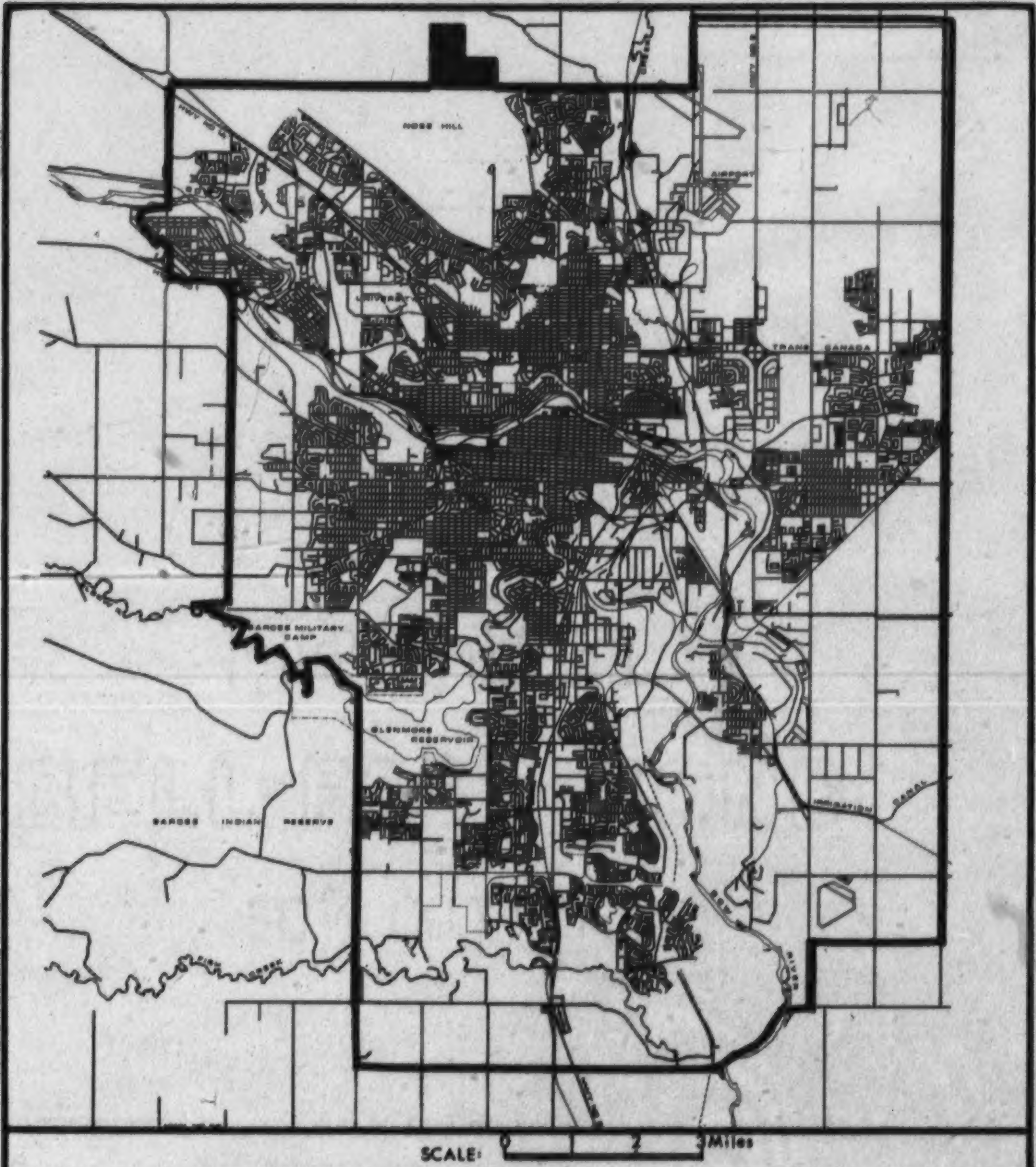
NOSE HILL
AIRPORT
UNIVERSITY
TRANS CANADA
SARCEE MILITARY CAMP
GLENMORE RESERVOIR
SARCEE INDIAN RESERVE
IRRIGATION CANAL
BOW RIVER
FISH CREEK
SCALE: 0 1 2 3 Miles

FIGURE 53

CITY OF CALGARY (1973 Base Map)

ANNEXATION: NORTH
DATE 1972 BOARD ORDER NO. 5505

▬ AREA APPLIED FOR
▬ AREA ANNEXED
— EXISTING CITY BOUNDARY

SOURCE: COMPILED FROM THE FILES OF THE LOCAL AUTHORITIES BOARD

to it, raw land prices were rising rapidly, and there was no evidence of comparable land within the City, the lands were economically servicable and formed part of a further residential development that was conceived for the northern area, both the City and the C.R.P.C. had approved, the opposition of the M.D. did not show that there was no need for the land, but was based on long range planning issues which "transcended municipal boundaries" and should not be a compelling reason for granting or rejecting an annexation, and the school matters were not under the jurisdiction of the Board.

There were no conditions attached to the annexation.

Discussion. Standard policies are exposed in the decision of the annexation of the area in question; the need for the land appearing as the main reason. However, the annexation of this small parcel is inconsistant, since it was piecemeal and hardly reflected the approach of the City toward large scale annexation. If there was a shortage of land for housing in the City then it would be expected that the City apply rather than a developer whose motives might have been questioned.

Although the L.A.B. had a policy of considering planning variables, this annexation exposes only a minor concern and that being only with the planning of the to-be-annexed area. A planning concern for the annexation from the point of view of the City as a whole did not appear. This is especially reflected in the lack of consideration by the Board for the concern expressed by the School Board. It appears that in this application the Board found the short term effects more important than the long-term consequences, an obvious reversal in policy of the Board and the City.

POLICIES OF THE LOCAL AUTHORITIES BOARD

The similarity of operation of the Local Authorities Board and its predecessors is quite obvious after reading through the material. Most of the policies identified from the actions of the previous Boards have been relatively consistently applied throughout the study period. There are however some differences that should be noted. Previously, there was a marked concentration on the financial aspects of boundary extension questions. The Local Authorities Board, although not ignoring these, paid special attention to the planning implications of annexation and amalgamation proposals. This is attributed largely to changes in personnel. The former Boards had members whose experience was mainly in finance and economics, rather than in municipal affairs, while the Local Authorities Board members were more experienced in municipal affairs and law and more likely to recognize the importance of planning principles.[114] This is reflected in the Board's concern for land costs, land use, compatibility, outline and other proposed plans, site suitability and so on.

It is also apparent that the Local Authorities Board was more willing to act on its own principles than its predecessors, and less concerned about mollifying special interest groups. In a number of cases, for example, the Board went against a majority opposition in its decisions. Associated directly with this, perhaps as a cause, was the Board's apparent desire to treat each annexation separately on a cost-benefit basis. Although most decisions were subjective in the end, the Board was prepared to recognize that the total complaints (negative externalities) of a large number of objectors may be less weighty than the benefits (positive externalities) accruing to one consenting party. Thus, strong opposition did not always block an annexation. In general, all of the boards have tended to follow a cost-benefit type of assessment, but with the earlier boards it was couched largely in financial terms.

The Local Authorities Board's attitude towards 'piecemeal annexation' was markedly different. The concept of piecemeal annexation was always ill-defined, and it often seemed to be no more than an expedient catch-phrase.

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[114] Pers. comm. C.G. MacGregor and I. Morris, March 29, 1974, Edmonton.

As an argument against annexation, it had little weight with the L.A.B., at least partly because of the cities' own inconsistency. The City of Edmonton approved ten annexations that could fairly have been described as piecemeal, while opposing others because they were said to be piecemeal. In other words, 'piecemeal annexation' was a convenient rubric for condemning an annexation proposal that did not have the City's favour.[115]

The Board's attitude toward the centralization of municipal functions, at least with regard to contiguous urban communities, is quite evident. Apparently the Board agrees that unification leads to more efficient municipal administration. This was evident in the Jasper Place, Montgomery and Bowness amalgamations, and played a relatively large role in their approval. Related to this is the Board's apparent concern for the effects of large annexations on the metropolitan area as a whole, as expressed in the 1964 annexation bid for the Strathcona industrial area. Decisions on issues with such broad consequences were taken from the point of view of the equitable distribution of benefits in the metropolitan area, and the minimization of costs to all parties. Had the whole area been annexed in the Strathcona case, an increase in taxes could have been expected for everyone involved. As well, the metropolitan area would have suffered from the loss of a significant amount of the revenue because of the City's different assessment and taxation methods.

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[115] Pers. comm. C.G. MacGregor and I. Morris, March 29, 1974, Edmonton.

The Board's concern for equity was also reflected in its treatment of individual residents or firms in the annexed or amalgamated territories. It appears to be reluctant to extend benefits which are not available already to other residents (e.g. its treatment of country clubs). On the other hand, if the period of adjustment is likely to work some hardship, temporary concessions are likely to be granted (e.g. temporary immunity from early closing bylaws). This was further reflected in the protective devices that the Board employed in its conditional approvals. The case of protection of bona fide farm activities may be cited. The Board was particularly concerned about those parties who did not request the annexation. Indeed, if the annexation was requested by the residents, it was policy of the Board not to protect them from taxation, since they brought the situation upon themselves.[116]

Even in these situations, though, farmers were often protected. The reason is obvious. If not protected, there would be a temptation to assess farmland on its potential urban value, with tax increases which would be unbearable to bona fide farmers. It is also obvious that the Board considered popular consent (of landowners or residents in an area proposed for annexation) to be of major concern. Not one of the annexations was a Board decision against the popular will. If the major landowners were also the applicants, the case for annexation became even stronger.

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[116] Pers. comm. C.G. MacGregor and I. Morris, March 29, 1974, Edmonton.

The Board's negative attitude towards annexation or amalgamation 'deals' is very evident, especially in the case of the Jasper Place amalgamation and the southeastern annexation. The Board would not accept the argument that the City would consent to the amalgamation of Jasper Place if the southeastern area was brought in. On the other hand, the Board accepted private agreements, and often expected the parties involved in a boundary extension to come to terms on their own. It is a practice which leads to amicable settlements, and can shorten the annexation process significantly.

The Board also considers the argument of straight boundaries to have some relevance, if municipal services (particularly road maintenance) are likely to be provided more effectively. Rural municipalities are prone to use this as an argument in asking for changes in the boundaries of an annexation application. This was evident in the West Jasper Place annexation in 1969 and the smaller annexation in the southeastern area of Edmonton in 1971.

One final policy that should be mentioned concerns land with one owner under the jurisdiction of an urban and rural municipality. Although this did not appear explicitly in the case studies, the Board dislikes cutting a property with a municipal boundary, because of the taxation difficulties that are created. The only occasion when this became an issue was in the Kaskitayo annexation, about which the Board expressed some reservations because, to satisfy other criteria, the new boundary had to be drawn through a farm. In all other cases, the annexation boundaries coincided with property boundaries.

THE LOCAL AUTHORITIES BOARD AND EXTERNALITIES OF ANNEXATION AND AMALGAMATION

The similarity of the procedures and functions of the Local Authorities Board and its predecessors has been established, though there are some notable differences. The previous bodies were mainly concerned with the financial implications of jurisdictional change while the L.A.B. was as much concerned with the planning consequences. It therefore took account of such planning variables as utility extensions, land-use designation, urban design, both internally and in its relationship to the shole city, the need for the land and its suitability for development. It also becomes apparent that the decision-making of the

L.A.B. has been more complex than that of its predecessors, which may be why the L.A.B. has sometimes been prone to approve annexations that were unpopular with such bodies as the Edmonton Regional Planning Commission, the City of Edmonton and various rural municipalities. Likewise, with more inputs to the decision-making process, the decisions of the L.A.B. have been rather different that could have been expected from either the B.P.U.C. or the P.U.B. The principal difference is that the Local Authorities Board has taken a broader view of the positive and negative externalities of annexation and amalgamation. Hence, in the Jasper Place amalgamation and the attempted annexation of the Strathcona industrial area, the Board felt that the amalgamation presented greater positive externalities to the Jasper Place residents than negative externalities to the residents of Edmonton. The costs of off-setting the negative externalities experienced in Jasper Place were substantial, but Edmonton's resources were great enough to absorb these costs without hardship, and the benefits derived by the community of Jasper Place, with its much more limited population and resources, were expected to be out of all proportion to the costs to Edmonton. Conversely, the Board felt that the annexation of the industrial area would produce greater negative externalities to the M.D. of Strathcona than positive externalities to the City.

It is thus clear that the impact of externalities within a given area is dependent on the relative size and wealth of the communities subjected to those externalities. If Jasper Place had been a high status town amalgamating with a lower status city, the negative externalities of the union would have been felt more by the smaller population. Under such circumstances and this corroberates the views expressed by Dye, amalgamation would have been much harder to justify.

From this interpretation, the apparent difference in attitude of the Board towards Edmonton and Calgary is an incorrect perception. If the degree of negative and positive externalities depends on the relative resources of the enlarged area, diminished area and the transferred area, the greatest impact is most likely to be on the diminished territory, while the largest units, the cities, will be least affected. Hence, when the annexation or amalgamation of a small territory would generate negative externalities for that territory, the objections are likely to come through more strongly and convincingly than the arguments in favour (e.g. the County of Strathcona versus Edmonton over the industrial area). Conversely, if annexation or amalgamation would generate positive externalities for the transferred territory, with little cost to the central city, the residents (or their government) will either apply for the change or support it wholly (Bowness and Montgomery in Calgary).

The difference between Edmonton and Calgary can be explained in this way. In Calgary, few areas that were annexed or amalgamated did not expect strong positive externalities to result, while the city felt little of the associated negative externalities. In Edmonton, three communities believed that the negative externalities would be great. These were St. Albert, Sherwood Park and the M.D. of Strathcona, all of which have opposed annexation and amalgamation strongly. In recognizing the relative play of these externalities, the Board has been entirely consistent in its decisions, although appearing to favour unification for Calgary and fragmentation for Edmonton.

CHAPTER 7

ANNEXATION AND AMALGAMATION POLICIES AND TERRITORIAL EXPANSION IN EDMONTON AND CALGARY

In the previous chapters, a number of annexation and amalgamation policies have been identified.[1] The aim of this chapter is to analyse these policies with respect to their effect on the decisions made by the B.P.U.C., P.U.B. and L.A.B. and, ultimately, on the territorial growth patterns of the cities of Edmonton and Calgary. To do this, it will first be necessary to discuss why and where annexation and amalgamation proposals are initiated, since this has a direct bearing on the spatial effects of the policies in question, by determining the areas which are subject to them. It will also be necessary to discuss the determinants of the decisions of the boards, since they are direct reflections of the policies. These determinants will be classified by their degree of influence on the decisions, since some determinants are more important than others. Through this, a discussion of the effects of various policies on patterns of urban space will be possible.

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[1] For a summary of these policies see Appendix IV.

DETERMINANTS OF ANNEXATION AND AMALGAMATION PROPOSALS IN EDMONTON AND CALGARY

Throughout the Edmonton and Calgary case studies it was clear that there were a number of reasons why territorial annexations or amalgamations were requested. Since the two types of boundary extensions differ in some respects, their determinants vary as well and they will therefore be discussed separately.

Determinants of Annexation Proposals

Shortage of Land

A dominant cause for annexation proposals is the need for land. This situation arises when the existing administrative boundary has been reached or breached in all directions by the urban built-up area (underboundedness), or just in certain strategic areas, such as growth corridors. This shortage of land may be absolute (i.e. all available land is being used), or it may be relative, as when the city is unable to service some of its territories because of physical or economic limitations. As well, these shortages may be actual or prospective.

All of these possibilities have occurred in Edmonton and Calgary. For the most part, Edmonton has had a real shortage of land due to underboundedness. However, at times, it has had the land but has been unable to service it. Calgary has generally had enough land, due to its policy of large and timely annexations, but it has been a victim of its inability to service some areas, particularly because of physical limitations. In both cities, it has been the supply of residential land that has been most seriously affected.

Situations where there is a shortage of land in an urban area have a number of negative externalities associated with them. Usually, there is an associated high cost of the remaining available land. This ultimately leads to higher housing costs, the loss of potential industrial and commercial activities, and land-use restrictions because of the inherent high cost. This negative externality is often felt by home buyers who must ultimately pay for these costs. It therefore has political overtones as well.

Another negative externality associated with the shortage of land and high land costs is the potential out-migration of urban population. This has been most evident in recent years in the City of Edmonton, which has been losing residents to peripheral towns and rural subdivisions. The loss of some industry to the periphery may also be attributed to this. Associated negative externalities of this situation are related to decentralization and fragmentation of the metropolitan area as discussed in Chapter

One. Finally, the shortage of land is a barrier to orderly and economical physical growth since the location of choices of various uses are limited.

Responses to these negative externalities come in a number of forms. The relocation strategy (Figure 6) has been mentioned as a reaction by private groups, where industry and residents move outward to escape higher land costs. Private groups may also respond by applying for annexation. In these cases it is generally a developer or land owner who recognizes a demand for the land or its intended use and will attempt to take advantage of the higher land costs. In this case, the private response is more a result of the attraction of a positive externality (assured development and sale) than it is a reaction to the negative externalities felt by another group (the city).

Public reaction will take the form of an attempted annexation as well. However, in this case the positive externalities of sufficient room to grow, reduced land costs and the retention of potential migrants in the city, are likely to be as influential as the externalities.[2]

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[2] A larger reduction in land costs through public response is more likely than through private action since, as was shown, the former will result in generally larger annexations. Therefore, when private groups initiate annexations (smaller) to take advantage of high land costs, they are not working against themselves by reducing those land costs a great deal.

In Edmonton, the most common case has been a reaction by private interests while public (city) response has been more characteristic in Calgary. The policy of a city toward territorial growth therefore has some bearing on the type of response that is made to a land shortage problem.

Reactions to Piecemeal Annexations

A related negative externality resulting from private response to land shortages is the piecemeal annexation. As was shown in the case studies, this will occur if a city does not respond to the need for more land. Again, this has been most evident in Edmonton where piecemeal annexations have frequently occurred with one result being irregular boundaries. However, the most important negative externality is that of piecemeal or *ad hoc* planning, since effective and efficient planning, with the required overview and foresight, is very difficult if not impossible in these cases. Hence, the strong opposition expressed by planning agencies to most of the piecemeal annexations. Ironically, in the case studies, one major opponent to piecemeal addition was the City of Edmonton, who by its annexation policy (or lack of it) actually induced the piecemeal annexations to which it was opposed.

The response to piecemeal annexation and its associated negative externalities (especially in the last decade) has generally been to attempt the annexation of larger areas, usually on the basis of outline plans. The outcome has been straighter urban boundaries and more effectively planned urban growth.

Planned Growth

The positive externality of planned urban growth has also induced annexation and, more specifically, large annexation. This may be cited as a public response to attain control and coordination of a given area of land by extending urban boundaries and applying urban municipal controls to that land. In this manner, such issues as the designation of land-uses, transportation route design, utility supply and housing density control can be carefully integrated with the existing city. Thereby, the negative externalities of unplanned and uncontrolled development may be avoided.

This approach has been taken in both Calgary and Edmonton and is evidenced in the outline plan type of proposal.

Control of Fringe Development

Another determinant of annexation proposals has been the desire to control development of the urban fringe areas in a manner that is in accordance with the desires of the city. This desire has two main aims. By controlling the fringe area, the city can avoid the negative externalities associated with potential boundary obstructions so that the city can grow in an unhindered fashion. This was evidenced in a number of cases in Edmonton and Calgary, but was most clearly exposed in the Calgary annexation of 1961, where Midnapore was annexed so that it would not be allowed to develop into a small urban obstruction.

Another aim of urban fringe control is to keep unwanted or incompatible land uses in designated areas. The use of annexation in this manner has helped both Calgary and Edmonton to limit rural-urban fringe developments to certain areas thereby enhancing the remaining peripheral areas of both centers.

Finally, the control of fringe development through annexation may be desired so as to develop and control specific areas in accordance with city policy. For example, in the 1961 annexation in Calgary, concern was expressed for the transportation corridors entering and leaving the city. As well, in Edmonton, (West Jasper Place, 1972), the city expressed a wish to control the highway ribbon development along Highway 16 west.

Annexation of Lands Producing High Revenues

Another inducement for a city to annex land is the attraction of land that produces high tax revenues from its commercial or industrial activities. Annexations made on this basis are generally referred to as land or tax "grabbing". Although this has not occurred to a great extent in Calgary, it has been evident in Edmonton which has long had a number of revenue producing activities on its periphery, e.g. the petrochemical complexes in the County of Strathcona. It is quite apparent that the City of Edmonton has desired this land in the past (the Jasper Place amalgamation and annexation) and still desires it (The Future of This City).[3]

Desire for Urban Amenities

The case studies often dealt with annexations that were initiated by residents living on the periphery of a city. These annexation attempts were private responses to the attraction of the positive externalities associated with the city, and a reaction against the negative externalities of living in unincorporated urban-like areas on the urban periphery. The residents were attracted by good roads, better police and fire protection, public transportation, water and sewer facilities and other municipal amenities that were lacking in the to-be-annexed areas. In essence, this response may be viewed as a relocation strategy of private response to negative externalities

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[3] Edmonton, City of, The Future of This City, Planning Department, Edmonton, 1973.

(Figure 6, Chapter I). The relocation, though, is relative since the urban boundary is relocated rather than the citizen. The end result is nevertheless the same, that is, a reduction of negative externalities and the attainment of positive externalities.

Determinants of Amalgamation Proposals

As in annexation proposals, either the city or the peripheral land-owners (residents) may apply for an amalgamation. The major difference is that when the residents apply, they do so as a public body through their elected representatives. Since annexations concern the addition of unincorporated territories (in the urban sense) they concern *de facto* territories and therefore are subject to private endeavours. Amalgamations, on the other hand, concern incorporated urban areas (*de jure* territories) and are therefore subject to public endeavours, although they may be initiated by private groups. Thus, when dealing with determinants of amalgamation it is the public sector that is concerned, and there is no direct private resolution of negative externalities.

Removal of Peripheral Barriers

Since peripheral barriers may be either *de facto*, (e.g. a country residential subdivision) or *de jure* territories this inducement applies to amalgamation as well as annexation. As in annexation, it is usually the City that reacts to ameliorate the negative externalities of a peripheral growth barrier. However, it does not necessarily react by initiating an amalgamation application, but is more likely to give a favorable response to an amalgamation request. This has been the case in the Edmonton and Calgary areas. That is, in these cities the initiation of the amalgamation always came through efforts of the peripheral communities. The general observations made by Dye are corroborated here, since all of the communities that were amalgamated with these cities had a lower relative status, and even though both cities desired the unicity form, they did not become involved until the peripheral communities initiated the amalgamation.

The removal of peripheral barriers was a reaction to the negative externality of the obstruction of growth of a growing city. This takes two forms. Firstly, the obstruction is a physical barrier that requires structural as well as administrative integration with the city. Secondly, the obstruction barricades the city from the undeveloped land beyond the peripheral community.

This is of importance since peripheral communities tend to develop, as Doxiadis stated, along the least resistant routes of development, in growth corridors. Jasper Place and Beverly in the Edmonton area and Bowness and Montgomery in the Calgary area are prime examples. With these barriers in major growth corridors the cities felt it best to approve the requested amalgamation even though some negative externalities such as poor utilities systems, low assessments and little industry would be incurred.

The Desire for a Better Urban Environment

The case studies have shown that all of the amalgamations have occurred through initiation by the peripheral communities and that these requests were responses to the negative externalities of living in communities that did not and could not supply certain urban services at desired performance levels. All of the communities were in financial difficulties due to low assessments and a high ratio of residential assessment in the property tax bases. Accordingly, the services and facilities were poor. Often the taxes in these communities were at par or even higher than in the respective cities. As Dye suggests, these lower status communities create a high potential for amalgamation. It is clear that this is a rejection of existing negative externalities and the attraction of a better urban environment (positive externalities).

In contrast, high status areas such as the Town of St. Albert or the Hamlet of Sherwood Park have no apparent desire to amalgamate with the City of Edmonton due to the perceived negative externalities of living in a large urban complex.[4] This also corroborates Dye, who states that higher status communities are difficult to amalgamate with. One major reason why the Edmonton metropolitan area is still fragmented while Calgary is totally unified is because Edmonton has been unable to remove various peripheral obstructions through annexation and amalgamation, mainly because of the existence of economically sound communities. In Calgary, there were no such communities to obstruct its territorial growth.

Reduction in Metropolitan Fragmentation

From the point of view of the City the reduction or elimination of metropolitan fragmentation is perhaps the over-riding determinant in the implementation of annexation and amalgamation policies in urban growth. Both Edmonton and Calgary have attempted this, the former being only partially successful while the latter reached its goal: a unicity. Again, Edmonton has been the victim of peripheral obstruction. The policies toward the end of a unicity have been stated in the Future of This City Report which reflects the acceptance of the McNally Commission

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[4] Technically since Sherwood Park is unincorporated it would be subject to annexation. However, since it has a population of 17,000 and is a relatively sound economic community it is being referred to as a *de jure* territory.

Report and the Hanson Report. Perhaps the City's failure in this regard has also been due to the lack of implementation of policies leading to the unicity many years ago. Nevertheless, to date, the Edmonton experience shows that annexation and amalgamation may not be successful tools to attain the end of metropolitan unity, and this corroborates the views expressed by Bollens and Schmandt.[5] Yet, these devices have been successful in Calgary suggesting that from the annexation and amalgamation point of view each city is different.

ANNEXATION AND AMALGAMATION AND EXTERNALITIES OF POLITICAL FRAGMENTATION

It is apparent from the case studies and the above discussion that annexation and amalgamation fit into the theoretical model that was presented by Cox. Both forms of boundary extension may be classified as private and public reactions to locational stresses brought on by various negative and positive externalities in a politically fragmented area.

Two important points are exposed here. Cox's model suggests that political fragmentation is caused by private and public resolution of locational stresses brought on by the resource allocations of various decision making units. It is clear that these public and private forces continue during political fragmentation and that political fragmentation is not a static situation; that is, inherent in political fragmentation are locational stresses that induce reaction from private and public groups which may change the degree of fragmentation. For example, in a fragmented area such as Edmonton there were low status communities (Jasper Place, Beverly). These communities were in part victims of the larger city which, for one thing, attracted the industrial tax revenue producing activities, thereby reducing the economic viability of the communities. A stress was therefore present between the towns and the city due to their relative locations. The residents of the towns sought a resolution of this stress through amalgamation. Likewise, their effect on the City was one of peripheral obstruction, so amalgamation also resolved a locational difficulty for the City.

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[5] See page 60.

The second point comes out of the first. If the stress between two decision making units (city and town) is unidirectional, resolution is difficult since it will be attempted by only one unit. For example, if the town is economically viable or of higher status than the city, it sees no need to amalgamate, while the city wants to amalgamate to remove the peripheral obstruction. If all the lower status communities are amalgamated with the city, and political fragmentation is still not overcome, there is little chance of a unicity being achieved (Edmonton). If all the peripheral communities are lower status, and are amalgamated, political unity can be achieved. This also applied to *de facto* territories such as industrial areas.

Thus the model derived from Cox (Figure 6) can be expanded to show that (a) annexation and amalgamation are private and public resolution methodologies seeking a solution to spatial stress resulting from various resource allocations; b) that political fragmentation is dynamic, up to a point where all lower status peripheral communities are absorbed by the city; c) that annexation and amalgamation do not always work to unify a fragmented area; and d) that the model is a recurring cycle until total unification or static fragmentation is reached. These four points are shown in the expanded model (Figure 54).[6] In Cox's model (Figure 6) the two subject forms of resolution are hidden (private, public). Annexation, though, can be described as a private relative relocation strategy and amalgamation as public resolution in the form of coordination. It is clear from the text that both resolutions are largely the reactions to positive and negative externalities

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[6] It is important to note that this model applies only to areas that allow annexations and amalgamations. It was previously noted that not all areas allow for such boundary extension.

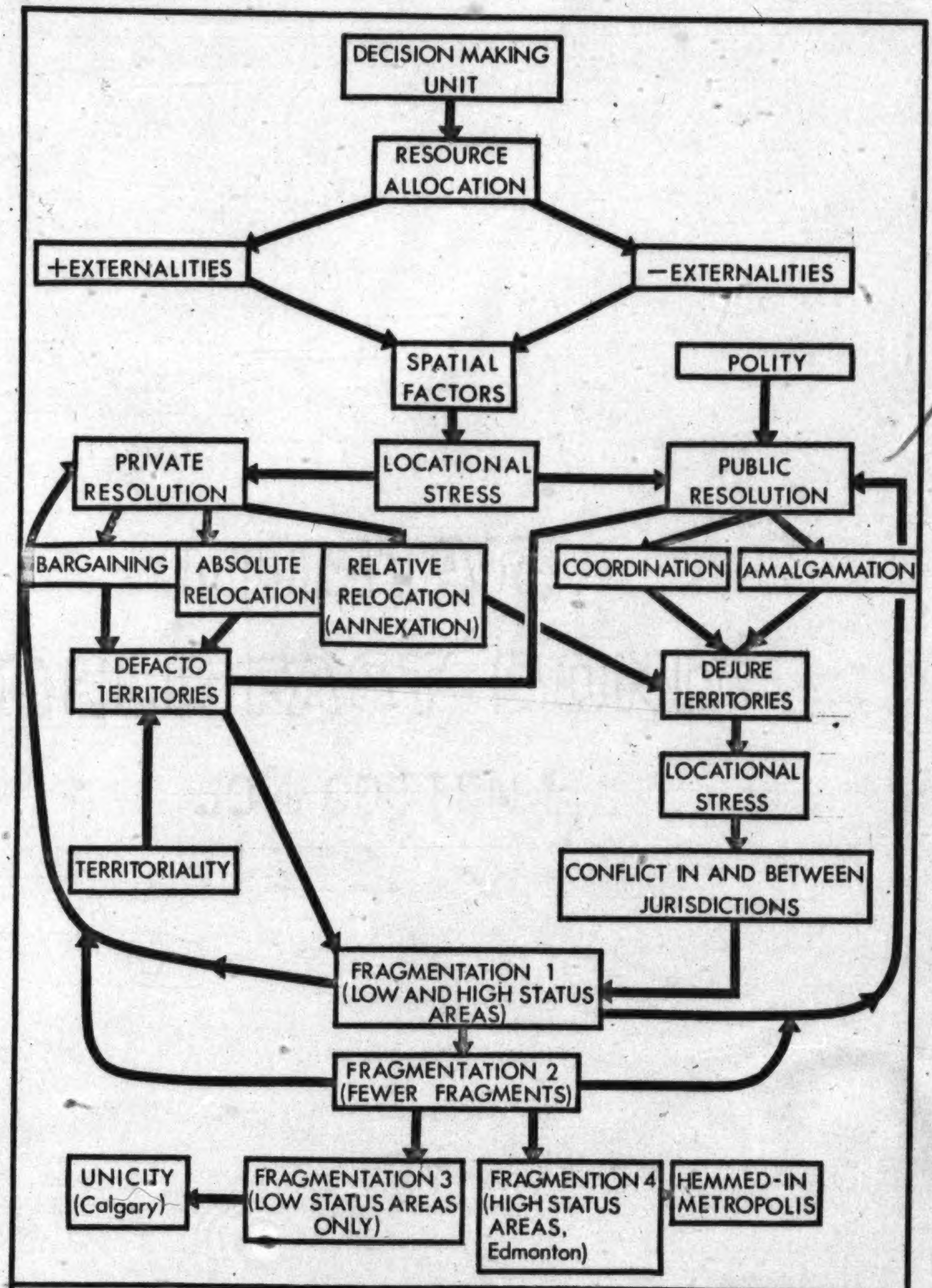
DECISION MAKING UNIT
RESOURCE ALLOCATION
+EXTERNALITIES
−EXTERNALITIES
SPATIAL FACTORS
POLITY
PRIVATE RESOLUTION
LOCATIONAL STRESS
PUBLIC RESOLUTION
BARGAINING
ABSOLUTE RELOCATION
RELATIVE RELOCATION (ANNEXATION)
COORDINATION
AMALGAMATION
DEFACTO TERRITORIES
DEJURE TERRITORIES
LOCATIONAL STRESS
TERRITORIALITY
CONFLICT IN AND BETWEEN JURISDICTIONS
FRAGMENTATION 1 (LOW AND HIGH STATUS AREAS)
FRAGMENTATION 2 (FEWER FRAGMENTS)
UNICITY (Calgary)
FRAGMENTATION 3 (LOW STATUS AREAS ONLY)
FRAGMENTION 4 (HIGH STATUS AREAS, Edmonton)
HEMMED-IN METROPOLIS

FIGURE 54

EXTERNALITIES (COX) AND ANNEXATION AND AMALGAMATION and often (but not always) these externalities have the same motivational forces as described by Cox. That is, private resolution (annexation) is caused by the desire to improve one's situation, be it the resident attempting to obtain better urban services by leaving a rural jurisdiction (relatively speaking) or the private developer who wishes to have land within the city. It is clear that, at this stage, this is a private reaction to negative externalities in _de facto_ areas where the solution, although privately initiated, requires public resolution. Thus, annexation lies somewhere between the private and public resolution methodologies.

Amalgamation is clearly a result of locational stress among _de jure_ territories and clearly results in coördination. Cox suggests that political fragmentation exists because of the locational stresses among _de jure_ territories. From the Alberta experience it appears that some of these stresses will be removed through annexation and amalgamation, and fragmentation will be reduced. The process of unification will continue until

a) there is no more need for private resolution (annexation) because the externality balance is in favour of peripheral unincorporated groups or because those groups have disappeared (having been annexed),

b) there is no desire for further coordination

> since all peripheral municipalities have a balance of positive externalities or because all peripheral municipalities have been absorbed.

The result may be either a unicity or a hemmed-in metropolitan area that will become increasingly underbounded and increasingly fragmented again.

Calgary is an example of the process continued to the unicity state, although because of inertia, annexations must be continued. Edmonton is an example of a city tending toward the 'hemmed-in' state, where underboundedness has occurred to the south-east and may occur in the future in other directions. In essence, Edmonton is hemmed in by positive externalities (economically viable communities and tax rich lands). It appears that Edmonton is already at the stage where annexation and amalgamation are no longer full solutions to its growth and fragmentation problems.

Cox's model appears to be valid for explaining both the initial organization of the political administrative metropolitan environment and the dynamic state of that environment as it continues after its creation. Both processes resulting from the stimuli of positive and negative externalities.

DETERMINANTS OF THE DECISIONS MADE BY THE B.P.U.C., P.U.B. AND L.A.B.

Inherent in the above processes is the input by boards such as those discussed in the case studies into the implementation of annexation and amalgamation. Having noted the importance of annexation and amalgamation in reducing negative and increasing positive externalities in a metropolitan area, the importance of the decisions of the boards is clear. They have had an effect on the overall territorial form of both Edmonton and Calgary. Most of the decisions made by the boards in the study period have been based on the identified policies. However, some of the policies did not affect the decisions of the boards but were merely policies designed to implement the administrative process of annexation and amalgamation, such as those set out in the Statutes, while other policies concerned only minor factors that may be involved but did not warrant much weight in the decision-making process such as protection from early closing by-laws. The policies of concern (those remaining) are those that either collectively or individually carried substantial weight in the decision-making process and thereby directly affected the territorial growth. The policies which carried decision-making weight only in a collective status will be referred to as minor policies, while those exerting a substantial influence individually will be referred to as major policies determining annexation and amalgamation proposals. It should be noted however that each annexation and amalgamation decision was based collectively on major and minor policies and on the existing situation regarding the proposals.

Minor Policies in Determining Annexation and Amalgamation Proposals

There are a number of policies that enter into the decision-making process but do not appear to have much importance in themselves. To greatly affect the decisions of the Board a number of these policies must be combined in one annexation or amalgamation.

One such policy, appearing to have been somewhat stronger in the pre-L.A.B. period, was the requirement of agreement between the major parties involved in an annexation or amalgamation. Prior to the L.A.B. period no annexation or amalgamation was granted without the consent of the major involved parties. It is through this policy that the boards acted more as arbitrators than major decision-making bodies. Unless an amicable settlement could be made, no annexation or amalgamation would occur. The Local Authorities Board, by contrast, has not allowed major opposition to affect its decisions to the degree that its predecessors did. It does not ignore this factor, but places less emphasis on it, perhaps because the major opposition was often not well founded, as in cases of piecemeal annexation. Likewise, it appears that the Board recognized that there were often more important public and planning issues at hand than the possibility of offending a particular interest group.

Land ownership has affected the decisions of the Boards. Although they required a majority petition (for annexation) of land owners in a to-be-annexed area, it appears that when an owner of a large portion of the land to-be-annexed petitioned the Boards, that owners' wishes were given additional weight in the decision of the Board. This was the case when the owner was a private concern (Lots A and B-West Jasper Place) or a public body (Mill Woods).

If land was to be immediately developed or serviced with urban facilities, hardship might be placed immediately on innocent and unprepared residents and the minority of non-consenting landowners in an annexation proposal. The boards took this into account and often protective conditions were issued to alleviate any possible related incovenience. Generally, the Board in noting that the land would not develop extremely quickly, allowed the annexation. Yet an annexation was never refused on this basis, thereby rendering the policy as a minor one.

Even though piecemeal annexation was disapproved of by the Board of Public Utilities Commissioners, a number of annexation proposals that were piecemeal were approved while others were refused on the evidence of other factors. It thus appears that the policy toward piecemeal annexation by this board was not a strong determinant. The Local Authorities Board did not allow the piecemeal argument to have a large affect on its decisions either. If piecemeal annexations were refused, it was for other reasons; if they were approved, it was because there were no other strong arguments against them.

Major Policies in Determining Annexation and Amalgamation Proposals

There are a number of policies that have had a large effect on the decision-making of all three boards. The central policy is one that might easily be overlooked; this is simply that the boards favoured annexation and amalgamation as tools for the growth of urban administrative areas. The possibility of completely negative attitudes cannot be overlooked since there are areas in North America where annexation and amalgamation are not allowed at all. Although the Alberta boards have not specifically been charged with the task of preventing and overcoming jurisdictional fragmentation, their actions have generally favoured expansion and unification.

Related to this basic policy is that which allowed for partial annexations. Had this approach not been followed, whole annexations or amalgamations may have been disallowed because of disputes in part of the areas. Jasper Place and Beverly, for example, might not have been amalgamated with Edmonton. Likewise, the whole 1961 annexation in Calgary might have been refused due to the conflict with Montgomery.

Another policy which determined whether an annexation or amalgamation occurred at all, is that of territorial adjacency. If an area proposed for annexation or amalgamation was not adjacent to the city it was not even considered by the boards. The reasons are obvious. Approval would result in the creation of territorial exclaves, which would cause serious political, administrative and servicing problems for the city, the rural municipality and the people residing in the to-be-annexed or amalgamated area. Indeed, many of the problems of a fragmented metropolis would be in effect.

Related to the adjacency requirement is the policy where the boards (especially the L.A.B.) felt that urban land adjacent to a city should be part of that city. They supported this policy on the grounds of administrative efficiency, control over development, the easing of economic problems of the smaller municipalities and their socio-economic unity with the city. This policy had a great effect on the Forest Lawn, Beverly and Jasper Place amalgamation decisions.

An equally understandable policy is one that requires that the annexation or amalgamation should not leave one municipality at a great disadvantage while another benefits. All boards seemed to agree that the costs and benefits of an extension should be distributed as equally as possible. For example, one area should not receive all the tax benefits while the other loses them. One exception to this is where a party consents to a much-needed boundary extension even though it may have an inequitable effect on on that party. This philosophy, of course, is linked with a number of the other policies and appears to have been a major social concern of the boards. Hence the L.A.B. allowed the amalgamation of Jasper Place, and disapproved of the annexation of the Strathcona industrial corridor. In the one case, Jasper Place needed the city which although being negatively affected, approved, while in the other, the County of Strathcona (as well as the metropolitan area in general) would have lost a great deal of property tax revenue relative to the corresponding benefit to the City of Edmonton.

Closely related to this is the policy that, in large extensions, the whole metropolitan area should benefit, not just a certain part, with the limitation that the extension had to affect the whole area in the outset. This is perhaps an outcome of the philosophy of the boards concerning the socio-economic unity of a metropolitan area and that all should benefit or suffer losses as equitably as possible.

A major policy, that appeared to affect only the Local Authorities Board, was the requirement that all annexations and amalgamations should be based on sound planning principles. Hence the unwritten requirement of the need for an outline plan of the area to-be-annexed was introduced. The Board has realized that boundary extensions largely affect the planning activities of both rural and urban municipalities, and that these extensions have far reaching spatial and temporal overtones. Since one of the functions of annexing land is to allow for the orderly extension of utilities and urban services into areas into which a city is growing, it seems only logical that planning variables be largely considered in an annexation. If a proposal was made to the L.A.B. without a sound planning base, it would be refused.

Related to this is the policy requiring an indication of the need for the proposed land and its suitability for the intended use. If the land is not needed or suitable for development, wholesale annexation (or land grabbing) may be taking place and the residents of the area may be inconvenienced for no good reason. As well, if development is not likely to occur quickly, the land may be idle for many years under the ploy of speculative interests to a greater degree than if it was outside the city.

It is clear that the boards have generally applied the philosophy of creating an equitable distribution of positive and negative externalities to their decision-making process, and this is perhaps the overriding decision-making factor. As was previously discussed negative and positive externalities have been the basic inducements to annexations and amalgamation, that is, the seeking of positive externalities and the reduction of negative externalities. It was also mentioned that these externalities are relative and operate in a bilateral relationship. That is, the attainment of positive externalities by one party through an annexation generates negative externalities for those offering the beneficial effects. For example, if one jurisdiction is economically unsound and amalgamates with a larger jurisdiction to attain solvency, the latter jurisdiction must pay the costs with the former. In the end, if the balance of the distribution of positive and negative externalities does not appear equitable (and this depends on population sizes) the amalgamation or annexation may be refused.

Thus externalities play a role not only in the inducement to annexation and amalgamation but also in their implementation through decisions by the boards. Since externalities are spatial in nature, the end result of the decisions of the board must likewise be spatial.

THE SPATIAL EFFECTS OF BOARD POLICIES ON THE GROWTH OF EDMONTON AND CALGARY

The social, political and economic situation of Edmonton and Calgary was typical of that of many areas in the late 1950s; that is, they were largely fragmented and they had inequities in tax revenue distribution, cost-benefit separation, land-use conflicts, rural-urban fringe development, inefficient growth and other negative externalities that resulted from the rapid growth of the two centers from 1947 until the 1960s. This was also due to the inability of the cities, at first, to expand their administrative territories along with the physical growth. In other words, they became underbounded. They were surrounded by peripheral communities, and by scattered industrial and residential subdivisions, to which they began to lose population and investment. With continuing rapid growth, undeveloped land near and in the central cities was at a premium, and land costs and development costs rose. The cities' response, to ameliorate these difficulties and to provide for effective planning and development control, was to try to achieve political unification through annexation and amalgamation.

It would appear that because the cities approached their growth and related problems in this way, the boards which made decisions on annexation and amalgamation would have an effect on the territorial and physical form of the two centers. However, their influence on the direction of growth was limited at the outset. The location of the areas proposed for annexation and amalgamation were beyond the Board's control. Thus, the step by step territorial growth of the cities is only a partial reflection of board policies, since it was the social, economic and administrative pressures (externalities) in the metropolitan areas that determined the location of the additions. The conclusion to be drawn from this is that the major effect of the decisions of the board was not a physical form but the territorial structure of the cities and the resultant jurisdiction structure resulting in part from this form.

METROPOLITAN FORM AND THE EQUITABLE DISTRIBUTION OF POSITIVE AND NEGATIVE EXTERNALITIES

The greatest effect exerted by the boards has been that resulting from the application of the philosophy requiring an equitable distribution of positive and negative externalities after boundary extensions. This philosophy has effectively resulted in the existing metropolitan territorial morphology of both Calgary and Edmonton.

The City of Calgary

Since all of the boards followed the policy of equity, and since the growth of Calgary has generally been in the manner it wished, it might be concluded that this is a result of the metropolitan area having a distribution of negative and positive externalities which favoured territorial expansion. This is shown abstractly in Figure 55. In this situation most of the positive externalities rested with the city while the negative externalities were located on the periphery. That is to say, Calgary had a higher status than its peripheral towns, subdivisions and rural lands. Hence when the policy of equity concerning the metropolitan area as a whole was applied by the boards, and by the peripheral residents, each boundary extension requested by Calgary was approved. Conversely, each annexation not desired by the City was refused. Thus the City of Calgary grew the way it wished.

The Calgary case makes it very plain that the decisions of the boards were largely dependent on the existing distribution of positive and negative externalities in a metropolitan area. Hence a different distribution (social, economic and physical situation) might have led to a different growth pattern. In other words, although the effects of the decisions of the boards are evident they appear to be only a permissive effect and not a structural one.

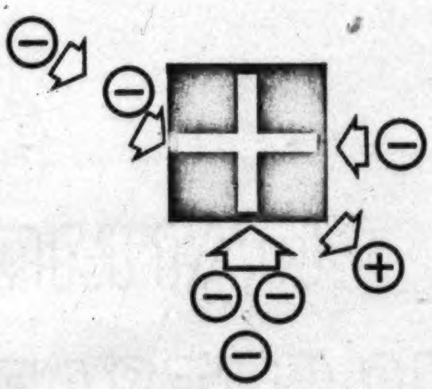

FIGURE 55

THE DISTRIBUTION OF
EXTERNALITIES IN CALGARY

⊕ POSITIVE EXTERNALITIES
⊖ NEGATIVE EXTERNALITIES
⇨ DIRECTION OF ATTRACTION

In the Calgary case Figure 56 is applicable. It indicates that at the out-set an annexation is initiated by one of the discussed determinants. This initiation results in the application for a given extension, which determines the potential total annexation (subject to change by the Boards). The board's decision is made through the assessment of the distribution of positive and negative externalities among the city, the to-be-added territory, the diminished territory and the area as a whole (as presented by interested parties). The outcome may be of three types. First, the annexation or amalgamation may be exactly as requested in the application; second, it may be reduced in area; and third, it may be refused. Because of the factors mentioned above, Calgary has largely secured the first result, receiving in most cases what was applied for. The effect of the boards' decisions on Calgary's territorial administrative growth has been simply to allow it to proceed as the City desired, resulting eventually in a unicity form.

The City of Edmonton

The territorial growth of the City of Edmonton has followed patterns less desired by the City than was the case in Calgary. In a number of instances the City has grown the way it wanted (more so in degree than direction) and often in ways it did not wish. This is reflected

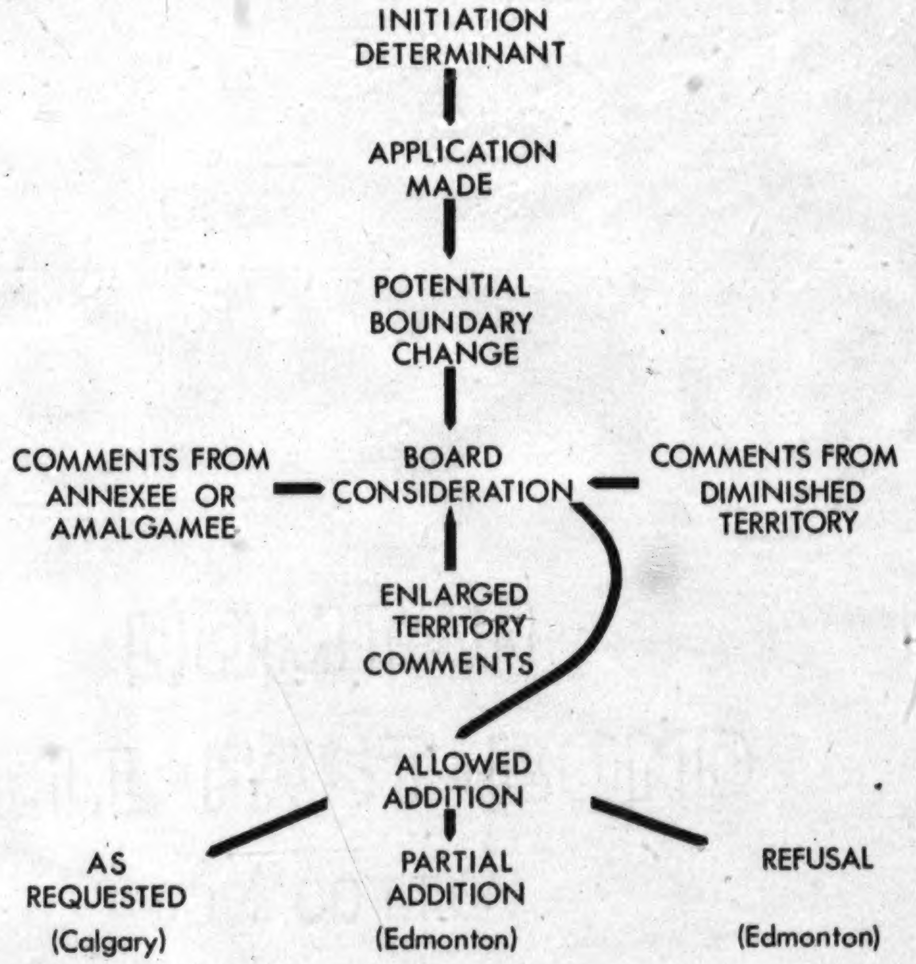
INITIATION DETERMINANT
APPLICATION MADE
POTENTIAL BOUNDARY CHANGE
COMMENTS FROM ANNEXEE OR AMALGAMEE
BOARD CONSIDERATION
COMMENTS FROM DIMINISHED TERRITORY
ENLARGED TERRITORY COMMENTS
ALLOWED ADDITION
AS REQUESTED
(Calgary)
PARTIAL ADDITION
(Edmonton)
REFUSAL
(Edmonton)

FIGURE 56

THE EFFECT OF POLICY APPLICATION ON BOUNDARY EXTENSIONS in the number of partial annexations and amalgamations that occurred in the City, as well as the number of annexations that were approved by the boards but opposed by the city. Both of these facts are largely due to an unfavorable distribution of positive and negative externalities in the Edmonton area (Figure 57). Although many of the positive externalities rested with the City a number also rested on its periphery. Hence, when the policy of equity was applied, conflict erupted and many of the extensions requested by the City were not easily granted, and indeed were often partially or wholely refused.

In dealing with the Edmonton proposals, the boards have applied the same principles and policies as in Calgary, and Figure 56 is just as applicable. However, the different distribution pattern of externalities has produced a very different result. Edmonton has persisted as a fragmented metropolitan region.

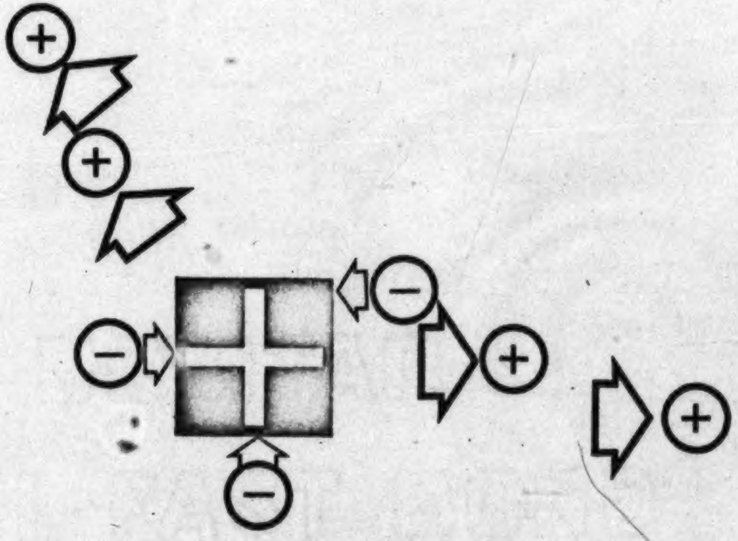

FIGURE 57

THE DISTRIBUTION OF
EXTERNALITIES IN EDMONTON

⊕ POSITIVE EXTERNALITIES
⊖ NEGATIVE EXTERNALITIES
⇨ DIRECTION OF ATTRACTION

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APPENDIX I

MEMORANDUM

Annexation Application

by

A majority of the Registered Owners of a territory immediately adjoining a municipality

NOTE: The applicant shall comply with the provisions of Sections 7 and 20 of The Municipal Government Act when petitioning for annexation of territory.

Conformance with the undernoted procedures will assist the Board in dealing with this type of annexation application.

1. File with the Board, a duly sworn petition consisting of one or more pages, each of which contains:--

(a) an accurate and identical statement of the purpose and objectives of the petition; and
(b) an accurate legal description of the territory * proposed for annexation.

*Note: The "territory" must immediately adjoin the municipality to which it is proposed it should be annexed.

2. The petition shall also contain:--

(a) the witnessed * signature of a majority of the registered owners of the lands in the territory proposed for annexation.

*Note: The witness to a signature must be an adult.

(b) a sworn affidavit, completed by each witness to the signatures on the petition, stating "that to the best of his belief the persons whose signatures he has witnessed are qualified to vote at a general election."
(c) the postal address of each signator to the petition.
(d) the occupation of each signator to the petition.
(e) the legal description of the property within the annexation territory which is owned by each signator to the petition.

3. Attach to the petition:--

(a) a signed statement of a person whose name appears upon the petition stating that he represents the petitioners and that he is the person to whom the municipality or other authority, may direct any inquiries with regard to the petition; and
(b) a map showing the existing boundary of the municipality where it adjoins the areas proposed for annexation, and showing also the boundary of the territory proposed for annexation. (Maps showing municipal boundaries on a scale of 600 feet to one inch are obtainable from the Provincial Planning Director, Workmen's Compensation Bldg., 9912 - 107 Street.

4. In addition to the information required under clauses 1, 2 and 3 above, the Board requires in respect of each property described at clause 2(e), the following information which may be obtained from the municipal secretary-treasurer:--

(a) the name and postal address of the assessed owner/s of each property referred to in 2(e) above.
(b) the acreage of each of the properties referred to in 2(e) above.
(c) the land assessment and the improvement assessment of each property referred to in 2(e) above.
(d) the nature of t e assessable improvements referred to in 4(c) above.
(e) copies of all plans of registered subdivisions, parcels or other subdivided areas within the territory proposed for annexation. (These may be obtained from the appropriate Registrar, Land Titles Office, Calgary or Edmonton, Alta.)
(f) photocopies of all certificates of title covering the lands within the territory proposed for annexation. (These may be obtained from the appropriate Registrar, Land Titles Office, Calgary or Edmonton, Alta.)

5. The Board further requires the following information which may be obtained from the secretary-treasurer of the municipality:--

(a) the name and postal address of those registered owners of properties within the proposed annexation territory, who are not signatories to the petition for annexation.
(b) the name and postal address of the assessed owners of all properties lying within the proposed annexation territory.

(c) the legal description of the lands comprising each property in the proposed annexation territory, other than those already listed in 2(e) above.
(d) the acreage of each property referred to in 5(c) above.
(e) the land and improvement assessment for each property referred to in 5(c) above.
(f) the nature of the improvements on each property referred to in 5(e) above.

6. Remit to the Board with the petition, an annexation fee in the amount of Five Dollars ($5.00). (Make the cheque, money order or postal note payable to the Provincial Treasurer.)

General Information for Guidance of a Petitioner

7. The Board refers each annexation petition to the following authorities for their information and comments:--

(a) the appropriate municipalities;
(b) the Regional Planning Commission for the territory, and, if none, the Provincial Planning Director, Department of Municipal Affairs;
(c) the Department of Highways and Transport.

A public hearing of the application will be conducted by the Board before making a decision thereon in any instance where the unanimous consent to the granting of the application is not obtained from all appropriate registered landowners and the affected municipalities.

Where total consents to the granting of the application are filed with the Board, it may decide to forego a public hearing of the matter.

The Board, in certain circumstances, on its own motion and after Notice, may annex land to a municipality.

W.C. ELLIOTT,
Secretary,
Local Authorities Board,
#101, Revillon Building,
10201 - 104 Street,
EDMONTON 14, Alberta

APPENDIX II

MEMORANDUM

Annexation Application

by

a Council of a Municipality

NOTE: The applicant shall comply with the provisions of Section 20 of The Municipal Government Act when petitioning for annexation of territory.

Conformance with the undernoted procedures will assist the Board in dealing with this type of annexation application.

1. File with the Board a copy of the Council's Resolution petitioning for the annexation.

   The Resolution should contain the following information:--

   (a) the purpose and objectives of the application.
   (b) an accurate legal description of the territory * proposed for annexation.

   *Note: The "territory" must immediately adjoin the municipality to which it is proposed it should be annexed.

2. File the following maps and plans:--

   (a) 4 maps showing the existing boundary of the municipality where it adjoins the areas proposed for annexation, and showing also the boundary of the territory proposed for annexation. (Maps showing municipal boundaries on a scale of 600 feet to one inch are obtainable from the Provincial Planning Director, Workmen's Compensation Building, 9912 - 107 Street, Edmonton, Alberta)
   (b) copies of all plans of registered subdivisions, parcels or other subdivided areas within the territory proposed for annexation. (These may be obtained from the appropraite Registrar, Land Titles Office, Edmonton or Calgary, Alberta)
   (c) photocopies of all certificates of title covering lands within the territory proposed for annexation. (These photocopies may be obtained from the appropriate Registrar, Land Titles Office at either Calgary or Edmonton.)

3. File extracts from the municipal assessment and tax rolls, showing for each property within the annexation territory the following information:--

(a) name and postal address of the registered owner/s of each property.
(b) name and postal address of the assessed owner/s of each property.
(c) the legal description of the lands comprising each property in the subject territory.
(d) the acreage of each property described at (c) above.
(e) the land assessment and the improvement assessment for each property described at (c) above.
(f) the nature of the improvements referred to in (e) above.

4. File either:--

(a) the unconditional written consent to the granting of the annexation application completed by the municipality from which it is proposed to withdraw the subject lands;

together with

the unconditional written consents to the granting of the application, signed by each registered landowner in the subject territory,

in which event of total unconditional consents, the Board may decide to consider the application without conducting a public hearing of the matter;

OR

(b) the written objection or conditional consent to the granting of the annexation application, completed by the municipality from which it is proposed to withdraw the subject territory; or

the written objection or conditional consent to the granting of the annexation application, completed by one or more registered owners of lands in the territory proposed for annexation,

in which circumstances, the Board will hold a public hearing of annexation application before making a decision thereon.

5. In the absence of total written consents from all appropriate registered landowners and the affected municipalities, the Board will conduct a public hearing of the application.

6. Remit to the Board, with the petition, an annexation application fee in amount of Twenty Dollars ($20.00). (Make the cheque, money order, postal note payable to the Provincial Treasurer.)

General Information for Guidance of a Petitioner

7. The board refers each annexation petition to the following authorities for their information and comments:--

(a) the appropriate municipalities.
(b) the Regional Planning Commission for the territory and, if none, the Provincial Planning Director, Department of Municipal Affairs.
(c) the Department of Highways and Transport.

A public hearing of the application will be conducted by the Board before making a decision thereon in any instance where the unanimous consent to the granting of the application is not obtained from all appropriate registered land owners and the affected municipalities.

Where total consents to the granting of the application are filed with the Board, it may decide to forego a public hearing of the matter.

The Board, in certain circumstances, on its own motion and after Notice, may annex land to a municipality.

SECRETARY,
LOCAL AUTHORITIES BOARD,
#101, REVILLON BUILDING,
10201 - 104 STREET
EDMONTON, ALBERTA.

APPENDIX III

C. Resolution of the Edmonton Regional Planning Commission designating principles and criteria to be used in evaluating annexation proposals

1. The proposed annexation must consider the long term growth and development objectives for the region:

a. the addition of planned expansion of urban growth strengthens the position of the existing community as a regional focal point or service centre by increasing its size to the extent that it can attract a wide range of convenient services and facilities;

b. urban growth is directed to existing communities and strengthens the existing parts of the region through the addition of planned expansion of neighborhoods;

c. the residential component is located conveniently to centres of employment to reduce long commuting;

d. the timing, location and limits of urban development is co-ordinated with existing and planned programs for extending transportation and regional services, such as, major sewer and water lines.

2. The proposed annexation must consider the general plans and long term growth and development objectives for the affected municipalities and must result in a logical and reasonable expansion of the annexing municipality:

a. the land and location shall be suited or can be economically adapted to urban uses and the boundary resulting from annexation must not create areas difficult to serve;

b. the annexation must be compatible with the municipality's staged development plans;

c. the annexation of areas designated for urban use is in sufficiently large units to permit unified planning and design concepts and orderly neighbourhood planning;

d. the expansion proposal includes proposals by the same applicant for improvement or redevelopment of the central areas of existing communities;

e. applicants must clearly demonstrate the need for municipal services and the municipality to which the territory is being annexed must be capable of meeting these municipal needs.

(To show this the applicant shall submit an outline plan prepared by a practicing professional consultant with expertise in all elements of comprehensive urban planning and highest standards of current planning practice. The plan shall be prepared in consultation with affected government departments and agencies, school authorities, the municipal administration, utility companies and the Edmonton Regional Planning Commission and shall contain the information required by the Commission in the preparation of an Outline Plan.)

3. An annexation proposed for new growth shall provide new opportunities for applying new technology and innovation for essential functions such as transportation and communications, energy, waste management, and promote the best in technologically advanced systems for producing better housing:

a. new developments will be judged on their ability to reflect and apply advances in the technology of land developments, building materials, construction techniques, management and financing methods and site planning for the production of quality single family housing in volume for people of all incomes;

b. private and public programs providing more low and moderate income housing of good design and healthy environment will be favourably assisted.

4. The proposed annexation shall be in harmony with the existing natural, cultural and historical environments and reflect regional planning policy for natural resources and land management:

a. the proposal minimizes disruption of natural ecological systems and minimizes disturbance of the region's natural processes, including the use of prime agricultural land for urban purposes;

b. the proposal enhances and protects environmentally significant features and the regional landscape;

c. the proposal does not disrupt the history and culture of the municipality and its immediate surroundings and protects significant historical or architectural elements.

5. The proposed annexation should not primarily represent an attempt by the annexing municipality to annex existing revenue producing property.

6. The boundaries of the annexation should be definite and certain and must conform to lines of assessment wherever possible.

7. Municipalities should annex entire street sections and avoid using streets as boundaries wherever possible.

APPENDIX IV

SUMMARY OF BOARD POLICIES

1. If there is a clear and amicable transfer possible without any major difficulties, no hearing is held.
2. The Board requires a parcel of land to be adjacent before it may be annexed.
3. Partial annexations will be awarded if problems with regard to the land or opposition from interested parties are encountered.
4. Need for and suitability of the land is required before annexation is allowed.
5. Agreement between the major concerned groups is required.
6. Some agreements may be reached privately.
7. Ownership of land is a determinant of annexation approval.
8. The fear of tax increases, debenture debt liability and City by-laws are considered to be valid reasons for refusing an annexation.
9. The boards do not approve of involving itself with internal matters of the City.
10. The Board will annex areas, in part, on the basis that the annexation will not immediately inconvenience those that are brought into the City involuntarily.
11. Piecemeal annexation is not approved of.

12. Desire for urban ammenities is not a good reason for annexation or amalgamation.
13. Solution to difficulties caused by one's self are not of great important in annexation and amalgamation decisions.
14. The benefits and costs of annexation or amalgamation must be equitably distributed.
15. The separation of costs and benefits due to the movements of citizens are not of great concern of the Board.
16. Annexation or amalgamation must benefit the whole area, unless a party consents to hardship.
17. There must be a majority approval of the landowners of an area before it is annexed.
18. The Board attempts to ease difficulties caused by an annexation.
19. Franchises and formal agreements are honoured and protected.
20. Irrelevant issues do not concern the Board.
21. A plan of the area is required before annexation will proceed. (L.A.B.)
22. Planning variables are considered of great importance (L.A.B.).
23. Contiguous urban land uses should be under one administration.

24. Annexations and amalgamations with alterior motivation are not approved of.
25. The Board is in favour of annexation and amalgamation.
26. Either a municipality may apply or landowners when they constitute a fifty percent majority.
27. Some consideration is given to the creation of straight urban boundaries.

APPENDIX V

NOTES ON SOURCES

Due to the nature of the topic, many of the information sources could not conveniently be listed in the Bibliography. The major amount of the information found in Chapters 4, 5 and 6 was collected from the files of the Local Authorities Board, which had taken over the annexation and amalgamation files of the Board of Public Utilities Commissioners and the Public Utilities Board. From these files the following types of information were gathered.

(a) Board Orders

(b) Promoting Minutes from Board Hearings

(c) Submissions to the Board

(d) Reports submitted to the Board

(e) City, County, Municipal district and town council minutes and resolutions

(f) Petitions to the Board

(g) Applications to the Board

(h) Letters to and from the Board

(i) Letters from one municipality to another

(j) Various annexation and amalgamation maps

Of these the Board Orders yielded by far the most valuable information since they usually presented a complete historical background to a given annexation, as well as exposing decisions, reasons for making the decisions and the conditions upon which those decisions were made.

Other information was gathered directly from the municipalities and lawyers who had represented the various municipalities at Board hearings.

Finally some information was gained through interviewing various persons who had been involved in annexation and amalgamation proceedings, including the members of the Local Authorities Board.

APPENDIX VI

SUMMARY OF ANNEXATIONS AND AMALGAMATIONS IN EDMONTON AND CALGARY (1946 - 1974)

(SEE FIGURES 10 AND 11)

Board	City	Date		Board Order
B.P.U.C.	Edmonton	1947	Pleasantview	11214
B.P.U.C.	Edmonton	1950	Whitemud	12624
B.P.U.C.	Edmonton	1954	Hardisty	15272
B.P.U.C.	Edmonton	1954	Coronet	15371
B.P.U.C.	Edmonton	1956	Goldbar	18267
B.P.U.C.	Edmonton	1958	Davies	21762
B.P.U.C.	Edmonton	1959	Ottewell	23460
B.P.U.C.	Edmonton	1959	Southwest	24581
B.P.U.C.	Edmonton	1960	Kenilworth	25379
B.P.U.C.	Calgary	1951	Windsor Park	13259
B.P.U.C.	Calgary	1952	Manchester and The Meadows	13468
B.P.U.C.	Calgary	1954	Springbank and Northwest Northwest backdated to 1953)	15833
B.P.U.C.	Calgary	1954	North (backdated to 1953)	15880
B.P.U.C.	Calgary	1954	Meadowlark Park	16206 & 16257
B.P.U.C.	Calgary	1956	South and West	18401 & 20027
B.U.B.	Edmonton	1961	Beverly and Northeast	25861
P.U.B.	Calgary	1961	Forest Law and North, East and South	25860
L.A.B.	Edmonton	1964	Jasper Place and Southeast	1512 & 1234
L.A.B.	Edmonton	1967	Northeast	3150
L.A.B.	Edmonton	1969	West Jasper Place	3981
L.A.B.	Edmonton	1970	West Jasper Place	4193
L.A.B.	Edmonton	1971	South	4804 & 5048

L.A.B.	Edmonton	1971	B.A.C.M.	5008
L.A.B.	Edmonton	1971	S.E.D.A.	5010
L.A.B.	Edmonton	1972	West Jasper Place	5626
L.A.B.	Edmonton	1974	Kaskitayo	6474
L.A.B.	Calgary	1963	Montgomery	957
L.A.B.	Calgary	1964	Bow River Islands	1289
L.A.B.	Calgary	1964	Bowness	1373
L.A.B.	Calgary	1967	Northwest	2925
L.A.B.	Calgary	1972	North	5505